

HOUSE OF REPRESENTATIVES

MONDAY, February 9, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord God who gives us life replete with blessings, do Thou give us hearts replete with gratitude and fill them with Thy Spirit. Be gracious with us in our sins and impress us with the peace and with the happiness of the upper and the better way. Adapt Thy wisdom to our weakness, Thy knowledge to our ignorance, and Thy mercy to our failures. Send Thy richest blessing upon this whole company like an impartial sunlight. Be the guest of every fireside, the Great Physician to every family, the guide to every pathway, and the Divine Comforter to all. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4056. An act to provide for an additional district judge for the western district of Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 555) for the relief of Blattmann & Co.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRELD, Mr. CURTIS, and Mr. ASHURST as the conferees on the part of the Senate.

The message also announced that the Senate insisted upon its action and amendments to the amendment of the House of Representatives to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. HARRELD, Mr. McNARY, and Mr. ASHURST act as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 466. An act to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi;

H. R. 4971. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels;

H. R. 7144. An act to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

S. 555. An act for the relief of Blattmann & Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding \$60,000 for the purpose of improving the sewerage system of the town;

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

BRIDGE ACROSS WABASH RIVER AT VINCENNES, IND.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of S. 3722, to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a Senate bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Chair is informed that this is an emergency measure and for that reason has recognized the gentleman. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Knox, State of Indiana, and county of Lawrence, State of Illinois, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, from a point in the city of Vincennes, Knox County, Ind., to a point in Lawrence County, in the State of Illinois, at a point suitable to the interests of navigation in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GREENWOOD. Mr. Speaker, I desire to offer an amendment, which I have taken up with Senator WATSON.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENWOOD: Page 1, line 3, strike out the words "county of Knox," and in the same line strike out "county of Lawrence," and insert the word "the."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is now on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to authorize the State of Indiana and the State of Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind."

DISTRICT OF COLUMBIA BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business. Pending that, I would like to ask unanimous consent, inasmuch as the first three bills to be taken up were unanimously reported by the committee, that general debate on those three bills be limited to one hour, one half to be controlled by myself and the other half to be controlled by the gentleman from Texas [Mr. BLANTON].

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman state what the bills are?

Mr. ZIHLMAN. I will say to the gentleman from Michigan that the first bill is a bill regulating the sale of milk in the District of Columbia, the second is a bill creating a board of general welfare in the District of Columbia, and the third is a bill providing for the elimination of the dangerous crossing at Lamond Street, in the District of Columbia.

Mr. CRAMTON. I think, Mr. Speaker, that those are matters of more or less importance, especially one or two of them, and I shall have to object to that request.

Mr. BLANTON. Regular order, Mr. Speaker!

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ZIHLMAN. Will the gentleman from Michigan withdraw his point of order so that I may make another motion?

Mr. CRAMTON. I withdraw it for the present.

Mr. ZIHLMAN. Mr. Speaker, I withdraw my motion, and I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2803) regulating the sale of milk in the District of Columbia. Pending that motion, I ask unanimous consent that debate be limited to one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that debate be limited to one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and one-half by himself. Is there objection?

Mr. LANKFORD. Mr. Speaker, reserving the right to object, may I inquire when we shall probably take up the bill for the regulation of traffic in the District of Columbia?

Mr. ZIHLMAN. I will say to the gentleman that the bill is not yet on the calendar. It has been reported, but I find it is not on the calendar.

Mr. BLANTON. It will be in about two weeks.

The SPEAKER. Is there objection?

Mr. LANKFORD. Further reserving the right to object, I would like to ask the gentleman from Maryland whether or not the House will have an opportunity to discuss the bill fully when it does come up?

Mr. ZIHLMAN. Yes; the House will have the opportunity to fully discuss the measure.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not anticipate I shall, the general welfare board bill is a matter of great importance. Is it the idea of the gentleman to cut short general debate on that measure or will there be full opportunity for debate?

Mr. ZIHLMAN. I will say to the gentleman from Michigan, speaking for myself, that I will give full opportunity for debate when that bill is reached.

Mr. CRAMTON. I want the gentleman to be able to speak for more than himself; I want him to speak for the committee.

Mr. ZIHLMAN. I will say to the gentleman that the pending motion, of course, relates to the milk bill.

Mr. CRAMTON. That is very true. I am not concerned about debate on the first measure, but I do not want the gentleman to make a motion cutting short debate on the next bill.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 56]

| | | | |
|---------------|-----------------|------------------|----------------|
| Anderson | Favrot | Logan | Roach |
| Ayres | Fish | McFadden | Rogers, Mass. |
| Barkley | Frear | McKenzie | Rogers, N. H. |
| Berger | Fredericks | McLeod | Rouse |
| Black, N. Y. | Gallivan | McNulty | Sanders, Ind. |
| Bloom | Gifford | Mead | Sanders, N. Y. |
| Britten | Gilbert | Michaelson | Schafer |
| Buckley | Glatfelter | Miller, Ill. | Schall |
| Carter | Goldsborough | Mills | Sears, Nebr. |
| Casey | Graham | Minahan | Sprout, Ill. |
| Celler | Griest | Moore, Ill. | Strong, Pa. |
| Clark, Fla. | Griffin | Morin | Sullivan |
| Clarke, N. Y. | Haugen | Nelson, Wis. | Tague |
| Cleary | Hawes | Newton, Mo. | Taylor, Tenn. |
| Cole, Ohio | Huddleston | Newton, Minn. | Thomas, Okla. |
| Collins | Humphreys | O'Brien | Treadway |
| Connolly, Pa. | Johnson, W. Va. | O'Connell, N. Y. | Tydings |
| Corning | Kelly | O'Connor, N. Y. | Vare |
| Croll | Kendall | Oliver, N. Y. | Ward, N. Y. |
| Cullen | Kent | Paige | Weller |
| Cummings | Kindred | Perkins | Welsh |
| Curry | Kunz | Perlman | Wertz |
| Davey | Langley | Phillips | Wilson, Ind. |
| Dempsey | Larson, Minn. | Porter | Winslow |
| Dominick | Lea, Calif. | Quayle | Wolf |
| Edmonds | Lee, Ga. | Reed, Ark. | |
| Evans, Iowa | Lindsay | Reed, W. Va. | |

The SPEAKER. Three hundred and twenty-five Members have answered to their names; a quorum is present.

Mr. CHINDBLOM. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The doors were opened.

SALE OF MILK IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2803, with Mr. CHINDBLOM in the chair.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LAMPERT].

Mr. LAMPERT. Mr. Chairman, for several years many who have given most thought to the subject have believed that there should be regulations to insure and place beyond doubt the milk, cream, and dairy products generally which are disposed of and used in the District of Columbia. Legislation for that purpose has received and now has the support of the District authorities, including the able health officer of the District. The pending bill, the main features of which were embodied in the measure introduced in the House in the first session of the present Congress, has passed the Senate and now awaits action here. The House committee has recommended the approval of the bill, with one or two slight amendments which do not modify it in any substantial way, and will offer one or two other similar amendments so as to make its meaning entirely clear.

The bill, should it become a law, will not injure or prejudice any legitimate interests, but will guarantee the people of the District against the probability of risking the use of unwholesome milk or milk products of any description. To this end it will enlarge, but not in any unfair or drastic manner, the authority of the health officer. While the bill is lengthy, it is not in any degree radical. I may say in passing, when it was considered in the Senate it had the active support of Senator COPELAND, who is recognized as one of the best informed public-health workers in the country.

It also had the support of Senator GLASS, of Virginia, who is himself engaged in the dairy business as an owner of a herd of high quality. The bill met with no opposition in the Senate. It has the unanimous support of the District Committee, and up to the time of its being reported no opposition to it had developed, as is stated in the report.

Any lengthy discussion is unnecessary and would simply serve to waste the valuable time of the House. I can do no better than refer to the report, which explains the general purpose of the bill and its various sections, and in addition ask that the Clerk read in my time a letter of commendation which I have received from the District health officer.

In addition to what I have said, I may further state that the general subject to which the bill relates has been very thoroughly considered by subcommittees of the District Committee, where all of those were heard who desired to present their views, and has been as laboriously and carefully considered as any measure which the District Committee has presented to the House.

I ask unanimous consent, Mr. Chairman, that the letter of the health officer of the District be read by the Clerk.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the letter from the health officer of the District of Columbia be read by the Clerk. Is there objection?

There was no objection.

The Clerk read as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
HEALTH DEPARTMENT,
Washington, February 4, 1925.

Hon. FLORIAN LAMPERT,

House of Representatives, Washington, D. C.

MY DEAR MR. LAMPERT: The activities of the health department of this District in its efforts to provide a safe and wholesome milk supply for its people are regulated by "An act to regulate the sale of milk in the District of Columbia, and for other purposes," approved March 2, 1895.

Since the enactment of this legislation many important changes and improvements in the methods of the production and handling of the milk supply of large cities have taken place. In order to keep pace with these modern methods the health department realized some

time ago the need for new legislation on the subject, and therefore prepared a bill which, it is believed, would meet the situation.

This bill, which was submitted to the commissioners and approved by them, was at their request introduced April 1, 1920, in the House of Representatives during the second session of the Sixty-sixth Congress by the Hon. CARL MAPES, the then chairman of the House District Committee. Hearings on this bill were subsequently held, but the measure failed to get before the House for action during that session of Congress. At the time the hearings on this bill were held quite a little opposition developed on the part of the milk producers as well as the local distributors.

Notwithstanding this opposition, the bill was again introduced at the first session of the Sixty-seventh Congress, and the subcommittee appointed for the purpose conducted extensive hearings on the bill; and while the committee at the conclusion of the hearings made a favorable report on the measure, it again failed to come before the House for action during that session of Congress.

In the meantime a number of conferences were held between the health officer, the milk producers, and distributors and a compromise was reached. The language of the original bill was modified to meet some of the objections which had been made against it, and it was again introduced in the first session of the Sixty-eighth Congress in both the Senate and in the House of Representatives. No further hearings, however, were held on the subject; and on June 3, 1924, the bill, after being amended in certain particulars, was passed by the Senate. This bill as it passed the Senate has been considered by the House District Committee and, with one or two minor amendments, was favorably reported to the House for action.

The general purpose of the bill is to insure a supply of pure and wholesome milk and certain milk products for sale and use in the District of Columbia. Briefly, the measure provides that only milk and cream produced or sold in this District shall come from dairy herds that are tuberculin tested annually to demonstrate their freedom from tuberculosis.

It establishes a standard of milk and cream which may be produced or sold in this District.

It provides that permits to ship milk into the District of Columbia or to be produced or handled therein shall be renewable annually.

Under the provisions of the bill the health officer is authorized to suspend any permit when, in his opinion, the public health is endangered by an unwholesome milk supply.

The bill exempts from its operation the shipping of milk or cream into the District of Columbia solely for manufacture into ice cream, but provides that all such milk or cream must meet the specifications of an authorized milk commission of a State board of health.

The health officer, with the approval of the Commissioners of the District of Columbia, is empowered to make rules and regulations from time to time to carry out the purposes of the act.

All milk wagons engaged in the transportation of milk or cream in this District must have the name of the owner painted legibly thereon.

The bill also provides that all containers of skimmed or reconstructed milk or cream shall be labeled in such manner as to plainly indicate the exact nature of its content.

All cases of communicable disease and all suspected cases of such diseases occurring on any dairy farm licensed to ship milk into the District of Columbia must be promptly reported to the health officer of the District.

The bill also defines the meaning of "milk," "cream," "pasteurized milk," "raw milk," "certified milk," "reconstructed milk," "skimmed milk," and "ice cream."

The sale of all milk, cream, or ice cream which does not comply with the definitions described in the act is prohibited in this District.

The health officer is authorized under the provisions of the bill to make rules and regulations governing the pasteurization of all milk and cream sold or offered for sale in the District of Columbia.

The interference with the health officer or any of his duly appointed representatives in the performance of the duties imposed upon them under the provisions of the act is prohibited under penalty.

Distributors of all milk and cream sold in the District of Columbia must keep posted in their places of business the names of persons from whom milk or cream is being received by them.

Distributors of milk or cream in the District of Columbia are prohibited from receiving any milk or cream from any person until such distributor has first ascertained from the health department that such person is licensed to send or bring milk or cream into said District.

Certain penalties are prescribed in the bill for violations of the provisions of the act.

This bill has the approval of the authorities of the District of Columbia, and its enactment into law will, it is believed, secure for the citizens of this District a pure, clean, and wholesome milk supply. It is a well-recognized fact that milk is the most important of all our food products, and its purity and wholesomeness is essential in safeguarding the public health, more especially the children and invalids who so largely depend upon it for their nourishment.

I am not advised of any serious opposition to the bill in its present form, and know of no reason why it should not receive the favorable action of Congress, which I trust it may do when the measure comes up for final consideration.

Very sincerely,

W. C. FOWLER, M. D., *Health Officer.*

Mr. BLANTON. Mr. Chairman, I ask recognition as a member of the committee.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I think this bill is a fairly good one and should be passed. It has been suggested that there should be offered, on page 3, line 10, a new proviso requiring all milk that is retailed to consumers in the District of Columbia to be pasteurized except when otherwise prescribed by a physician.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RANKIN. I am not a medical man, but as I understand it, pasteurized milk is heated to about 140 degrees.

Mr. BLANTON. And then cooled to a certain temperature.

Mr. RANKIN. For general purposes would not that be a bad proposition?

Mr. BLANTON. One of our leading health officers has stated that proper pasteurization is a safe and sanitary way to handle milk.

There is some difference of opinion as to pasteurization removing certain vitamins, or whatever you may call them, out of the milk, and some doctors would prefer for certain patients that the milk be not pasteurized, and where they can control the handling of the milk from the time it comes from the cow until it reaches the consumer, that is all right, but doctors do not control the thousands and thousands of gallons of milk that go to the poor children of the city.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman.

Mr. LAZARO. How would that compare with similar laws throughout the United States?

Mr. BLANTON. Some of the large cities in the United States comparable with Washington require milk to be pasteurized in my understanding.

Mr. WATKINS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WATKINS. Why not have the milk which is pasteurized labeled as such and the milk that is raw milk labeled as such, and then you can get what you want? Having been raised on a farm, the gentleman knows that there is nothing better in the world than raw milk. Many people want pasteurized milk for babies; but why not have that which is pasteurized labeled as such, so that when you want it you will know exactly what you are getting. It seems to me absurd to have all milk sold in the District of Columbia pasteurized.

Mr. BLANTON. I will state to my friend from Oregon that having been raised on the farm and having seen a great many cows pailed on the farm for quite a number of years, I would prefer the milk I drink here to be pasteurized.

Mr. RANKIN. Will the gentleman yield for a suggestion?

Mr. BLANTON. Yes.

Mr. RANKIN. Pasteurization changes the taste and the flavor of milk to a great extent.

Mr. BLANTON. I doubt that, where properly pasteurized.

Mr. RANKIN. I will tell the gentleman how I know that. I happened to be one of the victims here who buys pasteurized milk to feed our baby, and I have drunk some of it, and I can tell the gentleman that it changes the taste of the milk to such an extent that it is hardly palatable for a grown person. It makes you feel as if you were in a hospital.

Mr. BLANTON. I buy pasteurized milk in Washington for my children, and they prefer it to any other kind. I want to say that it will keep sweeter for from 24 to 48 hours longer than milk that is not pasteurized.

Mr. WATKINS. The gentleman can get all the pasteurized milk he wants and not force everyone to buy it. Some people do not want pasteurized milk and they have to pay more.

Mr. BLANTON. In some cities they notify the people to boil their water. Why? To make it pure. Whenever you pasteurize milk and bring it up to a certain heat, you remove certain impurities from it. If I am not right let my distinguished physician friend from Louisiana [Mr. LAZARO] say so. Whenever you pasteurize milk to a certain heat, and then put it through the cooling process afterwards, certain germs are removed from the milk. It is for the benefit of the many little children of Washington who have no access to the doctors that I am thinking of.

Mr. LAZARO. Why do you not move to amend to have the milk labeled, so that those who want pasteurized milk can get it, and those who do not can have it without pasteurizing?

Mr. BLANTON. If my distinguished medical friend will prepare an amendment I will adopt it without ever reading it, because I know he will prepare a proper amendment.

Mr. LAZARO. I think that should have been done in committee. Is not the gentleman a member of the committee?

Mr. BLANTON. I do not know anything about germs, I do not know anything about the proper preparation of milk; I am only acting upon what medical advice has been given me; we have to follow the medical men whether right or wrong. I follow the medical men in medical matters, I follow lawyers in legal matters, I follow dentists in dental matters.

Mr. LAZARO. The gentleman will understand that when milk goes through the process of pasteurization the germs are destroyed; but there are some people who do not like it.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WHITE of Kansas. I would like to ask the gentleman a question. In this District and nearly all over the United States the tuberculin test is made frequently, once every year at least, and is usually regarded as sufficient to protect the public health. What does the gentleman think about that?

Mr. BLANTON. The advice I have received from distinguished medical authority was to the effect that if there should be any tuberculin germs left in the milk, if they were to get by the test, pasteurization would come nearer to removing them than anything else, and it is safer for the little children of the city. I happen to know that on the 2d day of November in Washington the Chestnut Farms Dairy milk was sold for 14 cents a quart, and at that very time the Black dairy milk was sold at the Sanitary stores for 10 cents a quart, and the price raised shortly after that date. Why was it that there was 4 cents difference between the price of these two milks?

Mr. RANKIN. Let me say this, that if the gentleman buys pasteurized milk instead of paying 10 or 14 cents a quart, he will pay 30 cents a quart.

Mr. BLANTON. Some, like the Walker-Gordon may charge 30 cents, but the Chestnut Dairy Farms sells it for 14 cents a quart.

Mr. RANKIN. If the gentleman buys the Walker-Gordon milk, the kind I buy, he will pay 30 cents a quart.

Mr. BLANTON. Oh, the gentleman is out of our class, if he uses Walker-Gordon milk; he is up in a class by himself.

Mr. RANKIN. I buy the kind the doctor recommends.

Mr. BLANTON. The gentleman from Mississippi is buying milk under the prescription of a physician for little children.

Mr. LA GUARDIA. The Walker-Gordon milk is something more than pasteurized, and, besides, they furnish milk from the same cow. We use it in New York, and it is not an article of luxury.

Mr. BLANTON. If you pay 30 cents a quart, it is a luxury. Mr. Chairman, I reserve the balance of my time, and I yield 20 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman, the matter that I wish to discuss is rather akin to the subject under consideration, as they both come from the cow, and I ask unanimous consent that I may proceed for 20 minutes out of order.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and engaged in general debate, and the gentleman does not have to have unanimous consent.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, for many months before the convening of the Congress it was heralded in the press that the President had called a farm conference for the purpose of recommending legislation for the benefit of agriculture and the livestock industry.

On January 14 this conference, of which the distinguished gentleman, who is president of the National Livestock Association, Fred H. Bixby, was a member, made a recommendation, and I will read you a portion of it, to the President, which was transmitted by him to the Congress, and certainly he expected immediate and favorable action:

The cattle industry is suffering from the lack of tariff protection, from competition with hides, meats, products from foreign countries, produced by cheaper labor and under different standards of production.

Mr. Chairman, although that recommendation was submitted to the President on January 14, up to this good hour, so far as I have been able to learn, there has not been a bill introduced by the majority party, composed of Republicans, who are responsible for legislation in this House, asking for a duty on hides.

I have just read the discussion which took place in this House in July, 1921, when the tariff on hides was placed in

the bill in Committee of the Whole and taken from it by a record vote, after the bill had been reported back to the House from the committee. At that time my distinguished colleague from Texas, and friend, Mr. WURZBACH, rather twitted the Democratic Members on this side, and asked those of us who were in favor of a tariff on hides to come over and sit on the Republican side, that the water was fine and sparkling, and that we should enjoy taking a plunge into the Republican pool, that all our former sins would be washed away; though they had been as scarlet, they would now be whiter than snow. Now, just think of that coming from a Republican!

Well, from a careful perusal of the vote on that question, of which there were 173 "yeas" for a duty on hides and 241 "nays" for the removal of that duty, there was not a single Member from the great New England States voting for a tariff on hides, only three from New York, four from Pennsylvania, and none from New Jersey, all manufacturing States.

Could not my colleague and friend from Texas [Mr. WURZBACH], who is sincerely in favor of a duty on hides, with the same propriety and consistency, suggest to those gentlemen on his side, who voted for free hides, that they come over and sit on the Democratic side, and participate with the majority of the Members on this side, who were against a duty on hides, notwithstanding our party has never been a free raw material party but one time—1892—and it will never commit that folly again?

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. Is it not a fact that the Republican Membership voted in favor of a tariff on hides until the Democrats and some Republican Members voted to take the tariff off shoes and leather? Is it not a fact that before that time we did have the support of the Republican Membership for a tariff on hides?

Mr. HUDSPETH. I do not so understand. Mr. Chandler, of Oklahoma, offered the amendment in Committee of the Whole to place a 15 per cent ad valorem duty on hides, and it carried by a vote of 154 to 92, and these same gentlemen from New England, as I understand, at that time voted against the tariff on hides, as they are shown to have voted on the Record vote.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. Here is the fact. In the committee, just as stated, the committee, by a tremendous vote, voted a tariff on hides. Then we came out of the committee and a roll call vote was had on that amendment, and my Republican friend from Texas [Mr. WURZBACH] voted to take it off, and the Record shows it.

Mr. HUDSPETH. Oh, no! I beg the gentleman's pardon. I have the Record here in my hand. Mr. WURZBACH is recorded as voting for a duty on hides and the Record of July, 1921, shows that he made a speech for a duty on hides.

Mr. BLANTON. Then I am glad that he was with us then.

Mr. HUDSPETH. I see my good friend from New York [Mr. CROWTHER] here, who at one time, when I challenged his vote on hides, not holding the Record in my hand at that time, said that he voted for a tariff on hides. But the Record I hold here in my hand shows the good doctor, the gentleman from New York [Mr. CROWTHER], who is a great protectionist on the industries of his own back yard but a free trader on the products of the farmer and livestock producer, voting with the bunch from "Cape Cod," "Plymouth Rock," and the "Green Mountain boys" against any sort of duty on the old farmer's cowhide. But they all voted for a duty on certain leather goods.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CROWTHER. I did vote for that, but the amendment, as introduced, had a clause left out of it that had always been in there, and that is, that it was to refer to the bovine species, and that put a duty on a lot of my people—

Mr. HUDSPETH. But the gentleman did not vote to retain it, when the roll was called. Here is the "cold gray document" that has haunted many a weary politician.

Mr. CROWTHER. I did. And I voted against it when they would not change it.

Mr. HUDSPETH. But the gentleman did vote for a tariff on harness and saddlery over a certain value, 35 per cent ad valorem; gloves, both men's and women's, 50 per cent and not more than 75 per cent ad valorem; leather bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, parchments, moccasins, leather-covered pocketbooks, leather-covered whisky flasks, women's sewing sets, leather-enameled upholstery, leather bags, straps, football coverings, glove

leather, sheep, goat, and calf, leather dressed and finished, and manicure sets, from 50 per cent ad valorem down to 25 per cent ad valorem.

I do not know whether the gentleman believes in manicuring or not. I do not know whether he has ever had his shapely fingers manicured. If so, it was for the good of the cause—not that he cares anything for his fingers. But the poor, dainty, much overworked young lady who sat there polishing his nails had to pay a duty of 40 per cent ad valorem on her leather manicure case. And yet the gentlemen says he wants to equalize the tariff!

I am glad to see that my friend from Oregon, Mr. HAWLEY, a Republican stalwart for protection, is here. He is on the Ways and Means Committee, and he strenuously opposed a duty on hides. He introduced in that discussion enough figures to make an old Populist orator in his "palmiest days" actually get on the shady side of the street and mop his brow in consternation and bewilderment, and say to my friend from Oregon, "Come hither and sit on the throne of Populism. You are head and shoulders above us all in mathematics." "Cyclone Davis" in his halcyon days never produced such an array of figures as my friend from Oregon when he attempted to show that the consumer was the man that paid this duty. And yet I want to say to my friend from Oregon that when the tariff was taken off hides in the Payne-Aldrich tariff bill, a Republican measure, every Democratic Congressman from Texas voted against the removal of that tariff except one, including both Senators from my State. And so far as that one is concerned, the jimson weed and the sunflower have been growing over his political grave from that hour to this.

Yet, almost from the very hour the tariff on hides was removed, boots and shoes have steadily advanced in price to the consumer. And at the same time the gentlemen from the manufacturing States voted for heavy duty on leather goods.

Mr. CROWTHER. Oh, no. The gentleman wants to be fair. I did not do anything of the kind.

Mr. HUDSPETH. I refer to the Payne-Aldrich tariff bill. Go look up the RECORD. I will get it for the gentleman and read it to him.

Mr. CROWTHER. Oh, that is all right. But that is ancient history.

Mr. HUDSPETH. No doubt the gentleman would like for it to remain very ancient, but before I get through I am going to make it extremely modern to the gentleman and others of his school of thought from the icebound coast of Cape Cod.

Mr. CROWTHER. Oh, that is where a Democrat always roams—in among the gravestones.

Mr. HUDSPETH. Yes. I am going to continue to roam around in Republican graveyards: that is, they would like for their many political sins and misdeeds to remain buried. But I have my pick and shovel to-day, Doctor, and I am going to uncover your political past until it haunts you by day and disturbs your slumbers by night. You say you stand by all these Republican measures of discriminating.

Mr. CROWTHER. I stand by the principles of the Dingley bill, and a little higher, if necessary.

Mr. HUDSPETH. But one day the gentleman was not standing by, when I did not have the RECORD. But I have the RECORD to-day, and the gentleman has to "stand by." He can not "get from under." He is a great protectionist. He is willing to tax the old farmer 50 per cent above the fair price on a pair of shoes. Yet he would only give him a duty amounting to about 25 cents on his hide. I mean the entire hide—not 25 cents a pound.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. It is a fact, is it not, the gentleman from Texas, Mr. BLANTON, to the contrary notwithstanding, that I spoke in favor of a tariff on hides, and that I voted in favor of it?

Mr. HUDSPETH. Oh, yes; I read the gentleman's speech a few days ago in the RECORD.

Mr. WURZBACH. Has the gentleman the RECORD there to show how the Texas delegation voted on that tariff?

Mr. HUDSPETH. Six for a tariff on hides.

Mr. WURZBACH. How many against?

Mr. HUDSPETH. The rest of the delegation.

Mr. WURZBACH. An overwhelming majority of the Texas delegation representing that great State of the Union voted against a tariff on hides.

Mr. HUDSPETH. I am not criticizing my colleagues from Texas. They have a right to their own views, as I have to mine. Why did not the gentleman ask his New England colleagues to come over and sit on this side (the Democratic) when he was extending such a cordial invitation to gentle-

men who believed in a tariff for revenue at that time, and that it should be equitably distributed and every industry should share, and share alike, to go over and sit there on his side? Why did not the gentleman extend the same invitation to gentlemen in favor of free hides but a duty on the manufactured article on his side, to come and sit over here on our side? The gentleman voted for a tariff on hides. He is consistent. My friend from Oregon said it was not profitable in the ultimate for the old farmer.

I met some of you Republicans on the stump last year when I was campaigning for the greatest Democrat that we have nominated since the days of "Old Hickory" Jackson—John W. Davis. What did you say then? You said: "Oh, do not listen to Hudspeth. We are stronger for a tariff on hides than he is. We are in the majority and control legislation. We will go back to Congress and put a duty on hides and help the cattlemen, whose industry is prostrate, and whose business is bankrupt."

Have you introduced a bill to help redeem that promise? Not one. But you carried New Mexico by a pretty fair margin for your President by reason of that promise, because you said you were in favor of a higher duty on hides. And you carried a great many other western States, where the cattlemen cast a big vote. But you have not made a move to keep faith with them.

President Coolidge is for a duty on hides, in spite of the fact that he comes from the heart of New England. But he is President of all the people, and I believe sincerely wants to help the cattlemen.

Mr. FREE. I desire to call the attention of the gentleman to the fact that the California delegation has introduced such a bill.

Mr. HUDSPETH. I am glad to know that. How far has it gone, I would like to ask the gentleman? You know it will never be even considered by the Ways and Means Committee at this session, don't you?

Mr. FREE. Introduced last week.

Mr. HUDSPETH. Yes; but how far has it gone or will it go? I know that the able chairman of the great Ways and Means Committee, my friend, Mr. GREEN, is recorded here as voting against a duty on hides. How far do you expect to get with your bill? Any Member can introduce a bill.

Now, gentlemen, I am backing up the Democracy of my State. The Democracy of Texas has never declared in any of her platforms for free raw materials, if my memory serves me right.

Mr. FREE. Will the gentleman yield?

Mr. HUDSPETH. We are consistent when we say this duty should be equitably distributed, and that every industry should share, and share equally, in its benefits. It means it will help the farmer and the livestock grower. You should not pay too great heed to my friend from Oregon [Mr. HAWLEY], when he says it will increase the price of shoes to the consumer. Go and read the hearings before the Committee on Ways and Means when the present Fordney-McCumber bill was being considered, and you will find there that one of the biggest Boston shoe manufacturers said that if you place a 15 per cent ad valorem duty on hides it would not be reflected in the price of shoes, said it could not be charged up to the consumer. That is what he said. That is in the record. Go and look at it, you gentlemen who claim that it will add to the cost of shoes to the consumer. Has taking the duty off hides reduced the price of boots and shoes? No! You well know ever since the tariff was taken off under the Payne-Aldrich tariff that shoes have been higher than they have been in the history of this country. You know it has not lowered the price to the consumer.

Mr. FREE. Does the gentleman believe that a Democratic tariff for revenue only would be high enough to help the farmer in a tariff on hides?

Mr. HUDSPETH. I do. I say to you that for 60 long years my party stood for that doctrine, and we remained in power as long as we declared for that policy. In 1842, the Whigs, from whom you sprang, passed a tariff act, with the thread of free raw material running through it, and the Democrats in the succeeding election elected the greatest Democratic majority in Congress that ever sat in this Capitol before the Civil War.

Mr. MORGAN. Will the gentleman yield?

Mr. HUDSPETH. I have only a short time. Will not the gentleman excuse me? If I had time I would be glad to yield to every gentleman on this floor, and especially Republicans who voted for free hides.

Mr. MORGAN. The gentleman said that a duty on hides, as stated by a manufacturer, would not be reflected on the finished product?

Mr. HUDSPETH. That is what he said. Go and read the hearings.

Mr. MORGAN. Do I understand the gentleman to accept that as a general principle?

Mr. HUDSPETH. I accept full value for all the gentleman said, and in the face of what has transpired since the duty on hides was removed. And the gentleman knows since the tariff was taken off hides under the Payne-Aldrich Act, we have paid the highest prices for boots and shoes in the history of this country.

I can not yield longer because I want to discuss this tariff question at length, but if the gentleman will contradict my statement, I will yield. If the gentleman will rise and state that since the tariff was taken off hides under that act boots and shoes, and, in fact, all kinds of leather goods, have not been higher than ever before, I will agree to yield to the gentleman.

Mr. MORGAN. I agree with you.

Mr. HUDSPETH. All right; sit down then; do not bother me any more. Do not take up my time if you agree with me. [Laughter.]

Now, gentlemen, what did they do under the Fordney-McCumber Act in regard to the tariff on leather? They took the tariff off hides. They said: "We will reduce the price on shoes that go to the consumer, but on harness and saddles that the farmer uses we will place a duty of 35 per cent ad valorem. That is under the Fordney-McCumber Act. On thermos-bottle covers, used by both men and women, 50 per cent ad valorem. Those are made from hides and skins. On leather belts and bags they charge 50 per cent ad valorem, but on hides it is all free. On belts, card cases, pocketbooks, jewel boxes, and on the moccasins that the old Mexican peons and the poor Indians wear upon their feet, 50 per cent ad valorem.

But the old farmer and stock raiser gets not one cent to prevent his coming in competition with the pauper labor of South America and other foreign countries. We pay our cowboys a decent wage. They do not.

The following table, furnished by the Department of Commerce, shows the steady increase in the importation of hides after the duty was removed therefrom in 1907, which shows a marked increase from that time:

Number of hides imported

| | |
|-----------|------------|
| 1911----- | 4,833,685 |
| 1912----- | 8,736,297 |
| 1913----- | 6,313,213 |
| 1914----- | 7,743,303 |
| 1915----- | 11,286,436 |
| 1916----- | 12,550,744 |
| 1917----- | 11,182,892 |

Oh, the gentleman from Illinois [Mr. RAINY], although a Democrat, if I have his position correct, is in favor of free hides. He made the statement the other day that we had foolish leadership here on this side—or probably I might say "bad" leadership—and that it was equally as foolish, or bad—probably he used the latter term—in the last national campaign.

Now, of course, it is not necessary, gentlemen, for me to defend the leadership, the statesmanship, and the democracy of my colleague from Texas [Mr. GARNER], who believes a duty should be placed on hides. For the RECORD shows that he voted for a 15 per cent ad valorem duty on hides in 1921. And he believes in a tariff for revenue. He has served his district well and faithfully over a long period of years, probably longer than has the distinguished gentleman from Illinois his district.

And as to the statement that our leadership was exceedingly bad in the last national campaign, let me ask you and the gentleman if it were foolish to follow a man whom the great democracy of this Nation had chosen as its standard bearer, a Democrat without spot or blemish upon his democracy, a lawyer who that great Chief Justice of the Supreme Court, Judge White, now deceased, stated was the ablest lawyer who ever appeared before that tribunal; who represented this Government as Solicitor General and who tried more cases in five years than probably any other Solicitor General has tried in a period of 20 years; who represented this Government in the Harvester Trust case, in the Pipe Line case, in the Anthracite Coal case, and in the Midwest Oil case, the successful outcome of which permitted the President to withdraw thousands of acres of public lands, containing valuable mineral and oil deposits; in the Steel Trust case; a man who was twice tendered by the President of the United States an appointment on the Supreme Bench; a man who was honored by the President of the United States by appointment as ambassador to Great Britain, and although defeated as our standard bearer emerged from the contest without spot or blemish upon his

record. I refer to that greatest of living Democrats, the Hon. John W. Davis, of West Virginia. [Applause.]

I do not think it was bad leadership to follow in the wake of a man who said, "I stand for a competitive tariff." Now, gentlemen, as I understand a competitive tariff, it is a tariff that enables the industries of this country to come in competition with the pauper labor of foreign countries. In other words, it is a tariff for revenue equitably levied for the benefit of every industry of this country, and one that does not discriminate against any. That is what my party and I have always contended. That is the policy we have always advocated—a tariff for revenue only.

Now, under the Fordney-McCumber Act, passed by a Republican House that had 176 majority, belts, gloves, and so forth, were taxed as high as 50 per cent ad valorem. Catgut was taxed 30 per cent. I do not know whether any of you gentlemen have ever stood on the old puncheon floor. Perhaps some of you have, and you may have noticed a gentleman perched on a goods box in the corner, who sang out: "Gentlemen, salute your partners, lady on the left," to the stirring strains of Yankee Doodle, Turkey in the Straw, Arkansas Traveler, or Hell Broke Loose in Georgia [laughter]; and on the strings of the fiddle across which he pulled that bow, that made the best music that ever thrilled the soul of mortal man or woman, he had to pay a duty of 30 per cent ad valorem. Yes; he had to pay a duty of 30 per cent on the catgut strings. But the old farmer who produced the hides that went into the shoes that knocked the dust from that puncheon floor, not one cent of duty did he get. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I yield to my colleague five minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes more.

Mr. HUDSPETH. You gentlemen on the Republican side are responsible for the legislation here, and you won the Northwestern States by misleading the farmer and passing a law, the Esch-Cummins bill, under which to-day he is driving his cattle through the country, instead of shipping them by rail. Here are two clippings that I want to insert as a part of my remarks, where it is shown that some stockmen drove their cattle 125 miles in order to cut out the railway transportation cost. They said it cost \$7.30 a head to ship their cattle, and they saved \$1,000 by driving the cattle rather than shipping them.

STOCKMAN DRIVES CATTLE 125 MILES TO CUT RAIL COST

KANSAS CITY, Mo., January 31.—Cowboys driving cattle herds across Kansas are not yet of the past, according to Earl Barker of Fowler, Kans., a witness on behalf of livestock men, plaintiffs in their plea before an Interstate Commerce Commission examiner here for a reduction of 50 per cent in freight rates of livestock west of the Mississippi River. Barker owns 12,000 acres of cattle land in Meade and Clark Counties.

He said that he drove a herd of 700 cattle across the prairies from Higgins, Tex., to Fowler last spring to escape what he termed exorbitant freight rates.

"What's the distance?" asked J. H. Mercer, Kansas livestock commissioner.

"About 125 miles," answered Barker.

"Do you figure you saved money by not shipping them by rail?" Mercer asked.

"I figure I saved \$1,000 at least," replied Barker.

Barker said that he has paid as much as \$7.35 a head for transporting cattle from ranges to his grazing lands, thence to his feed lots and finally to market. He is in the cattle business to-day, he said, merely because he had been able, in better days, to amass enough reserve to keep him going.

Arnold Berns, Peabody, Kans., who owns 16,000 acres and leases 15,000 more out in the "short grass" country of western Kansas, said that cattlemen in that region hold onto their business in "the eternal hope that a break for better prices would come."

CATTLEMEN ASK FREIGHT SLASH—INTERSTATE COMMERCE EXAMINER IS TOLD 50 PER CENT CUT IS NEEDED

KANSAS CITY, February 1.—A 50 per cent decrease in livestock freight rates would aid cattlemen materially in their fight against adverse conditions, witnesses testified before an Interstate Commerce Commission examiner here on a plea for such a reduction.

"Yes," said E. E. Frizzell, of Larned, Kans., a State senator and lifetime cattleman; "I believe a freight decrease would help. It wouldn't solve a bad puzzle, but a 50 per cent reduction, say, would help considerably."

Mr. Frizzell said that he had quit raising calves on his 21,000-acre ranch.

"The sale prices did not pay expenses," he said. "To use my equipment, then, I went to grass-fattening steers bought in the Texas Panhandle. I've lost money on them."

"Two-thirds of the cattle operators in my community have quit business. They ran out of reserve capital, which I am using to defray losses."

You said you would lower the freight rates. Have you done that? What steps have you taken, I will ask the gentlemen on this side [the Republican]? What steps have you taken to reduce freight rates, as well as increase the tariff on hides? These men have to drive their cattle over the trail. And if any of you gentlemen here desire to know anything about the hardships of the trail and of frontier life on the range and in the cow camp, just go down to the Columbia Theater and see that excellent picture, "North of 36," where they drive that herd, in the sixties, from southern Texas to Abilene, Kans. You may gather from that picture that the men engaged in the cattle business are not traveling on a bed of roses, by any means.

Yet when you took the duty off hides you had no concern for that old cowman. It was the bothouse plant in New England you desired to protect.

As a matter of revenue, when a duty of 15 per cent ad valorem was placed on hides under the Dingley Act, we collected \$30,000,000 in revenue. I will say to my friends from New England, but under the duty on shoes we collected only \$2,000,000. Yet, after a duty was placed on hides, the export trade was increased from \$160,000 on boots and shoes, where the manufacturers of this country can make them cheaper than anywhere else in the world, to \$11,000,000, so that it did not hamper the exporter in the least.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. I notice there were only 26 out of 173 Democrats that voted for the tariff on hides, or about 15 per cent. Do you not think that is a very small proportion of Democrats who voted for a tariff on hides, and do you not think your lecture ought to be directed principally to the Democratic side of the House?

Mr. HUDSPETH. How about 30 Republicans from the New England States who voted for free hides? And 36 more Republicans from New York and New Jersey, and about 20 from Pennsylvania, where the big manufacturer has his situs? [Laughter.] But my friend from Texas on the other side has his sights a little high; there were only 119 Democrats in the House at that time.

Mr. WURZBACH. I think these Republicans ought to be talked to; but the greater portion are on your side.

Mr. HUDSPETH. I am talking to Democrats also; but your party claims to be composed entirely of high priests of protection. Now, we believe in a tariff for revenue only, but we believe that that tariff should be levied equitably and all should share and share alike. In our State platform in Texas in 1896 we declared as follows:

We favor a tariff for revenue only, but in a sufficient amount, supplemented by other taxation, to meet the expenses required, so as to render it unnecessary to increase the public debt in any manner or form whatever. And we believe that the present tariff law, which lets into this country raw material free of duty and levies heavy duties on manufactured products, thus subjecting our agricultural and pastoral classes to competition with the world, while it enables the rich manufacturers, by means of combinations and trusts, to extort their own prices for their products from the people, violates the Federal Constitution, as well as the principles of the Democratic Party; that tariff duty should be levied and collected for the purpose of revenue only.

And the following is a plank from the national Democratic platform of 1896:

We hold that tariff duties should be levied for the purpose of revenue, such duties to be so adjusted as to operate equally throughout the country and not discriminate between class or section, and that taxation should be limited by the needs of the Government, honestly and economically administered.

The first thing to be observed in construing this platform—the national Democratic—is that it omits the declaration in favor of free raw material contained in the platform of 1892 and substitutes a demand that all tariff duties shall be so adjusted as to operate equally throughout the country without discriminating between any class or section.

That has always been the contention of the Democracy of my State, I will say to you, gentlemen, and I want to say now that that platform was prepared by that great Democrat, John H. Reagan, assisted by the great commoner, Governor Hogg,

the first native Texan who ever occupied the office of governor, and approved by ex-Governor Culberson.

Now, my friends, let me say this to you: That those two great men, Judge Reagan and Governor Hogg, had some enemies in their lifetime. Party strife and party rancor ran rife while they lived. But all criticism and enmity was silenced at their graves. [Applause.] They were the men who insisted there should be a duty on raw materials as well as a duty on manufactured articles.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman five more minutes. Will the gentleman yield for a question?

Mr. HUDSPETH. Yes.

Mr. BLANTON. Is it not a fact that at the time we had a tariff on hides and collected \$30,000,000 in revenue from it W. L. Douglas sold his famous shoes for \$2.50 a pair?

Mr. HUDSPETH. Yes; he sold them cheaper by far than they are being sold to-day under free hides and since the Republican Party took the duty off hides.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. SEARS of Florida. Would the gentleman mind putting in his remarks the statement he has received from the Agricultural Department showing that in 1920 the price of cattle was, in round figures, \$43 a head—which was when the Republican Party went into power—and that in 1925, the price, in round figures, was only about \$21 a head?

Mr. HUDSPETH. And let me say to the gentleman that at the present time they will hardly bring the freight when shipped to market, and every cowman knows it. They are lying prostrate out there to-day, financially speaking, men who have been my friends in every political and financial undertaking; they are out there where they rear their children close to the heart of nature; where they build schoolhouses for the education of the young; where they build churches so that they can worship their Creator; and where they have cemeteries in which lie the ashes of their dead. Those are the men for whom I am talking, and those are the men who have been discriminated against by the provisions of the Fordney-McCumber Tariff Act.

Mr. SEARS of Florida. Will the gentleman yield further?

Mr. HUDSPETH. I can not yield further, because my time is going.

Mr. SEARS of Florida. But would the gentleman mind putting those statistics in the Record?

Mr. HUDSPETH. The following table furnished by the Agricultural Department shows the decrease in number and also the decrease in price of cattle (this does not include milk cows) the years 1920 to 1925, inclusive. The decrease in price is naturally responsible for the decrease in number:

| Year | Total number | Value | |
|-----------|--------------|----------|-----------------|
| | | Per head | Total |
| 1920..... | 43,398,000 | \$43.21 | \$1,875,043,000 |
| 1921..... | 41,993,000 | 31.36 | 1,316,727,000 |
| 1922..... | 41,977,000 | 23.79 | 998,772,000 |
| 1923..... | 42,803,000 | 25.57 | 1,094,469,000 |
| 1924..... | 41,720,000 | 25.06 | 1,045,523,000 |
| 1925..... | 39,609,000 | 24.49 | 970,117,000 |

Mr. WURZBACH. Will the gentleman yield to me?

Mr. HUDSPETH. I will yield to my friend because he will see the light some day and he will come over on this side. He was reared right but he strayed into forbidden paths after he had grown up.

Mr. WURZBACH. I think I have seen the light and I think I can say with a great deal more propriety that the gentleman from Texas is going in my direction rather than that I am going in his.

Mr. HUDSPETH. I will say to my friend I have gone in the direction that my party went for 58 years, when your party had to peep in at the back door of the White House. From Jefferson and Jackson and on down I have traveled with my party. [Applause.] Andrew Jackson, I think the greatest Democrat the world ever produced, threatened to veto a tariff bill because it did not contain a duty on raw materials, and I have traveled according to his precepts.

Mr. WURZBACH. Will the gentleman yield further?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. During the time that the greatest part of our revenue was produced through the customhouses I

could understand the term "tariff for revenue only," but at this time when our expenditures run from \$4,000,000,000 to \$5,000,000,000 a year and when we are receiving the greatest part of our revenue by way of income tax, I wish the gentleman would explain exactly what is meant in a tariff law by the term "tariff for revenue only."

Mr. HUDSPETH. I will answer the gentleman by repeating the statement made by Mr. Fordney, a staunch Republican, when he stood here and advocated his bill. He said it was necessary to collect through the customhouses \$500,000,000 annually to properly run this Government. This is what he stated. I answer the gentleman by quoting the statement made by the gentleman who fathered the Fordney-McCumber Act.

Mr. TINCER. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. TINCER. Does the gentleman agree with his colleague from Texas [Mr. GARNER] in favoring a competitive tariff?

Mr. HUDSPETH. I am in favor of a tariff for revenue.

Mr. TINCER. The gentleman knows what a competitive tariff is?

Mr. HUDSPETH. Well, I just stated what my conception of a competitive tariff is—one under which the industries of this country may compete with pauper labor of foreign countries and not be forced out of business. That is my conception of a competitive tariff. But it is not a high protective tariff such as the Republicans advocate.

Mr. TINCER. Is there any difference between a competitive tariff and a tariff for revenue?

Mr. HUDSPETH. I do not see the difference. I want to state to the gentleman, and I want to say this in conclusion, that I am one who never scratched the Democratic ticket in all his life. When the Populists and the Republicans fused for governor—and they will fuse with anybody in Texas—and brought out the Hon. Jerome Kirby, Governor Culberson's election was in doubt until they heard from the Rio Grande. She was a little slow about coming in, but when she came in she came solidly Democratic and elected Governor Culberson by a good majority.

Oh, gentlemen, I am for a tariff for revenue, and I do not want the farmers and craftsmen discriminated against. You can find all kinds of theoretical zealots who will contend for impossible doctrines and madly attempt to control human nature and force it to bend its energies to the caprice of their wills, but I know by experience how futile in government and business is mere theory, and how strong and valuable is common sense.

I believe in that which has stood the strain and test of long experience and which has blessed us with its beneficence. Nor can I be expected to yield it for something impossible, impractical, and which comes recommended to us by those across the sea and in other countries whose interest it is to seek our ruin industrially and agriculturally, that upon said ruin they may build up their own trade, their own manufactures, and their own prosperity. Discrimination in any tariff bill against the producers of this country I will not subscribe to, but shall always strenuously oppose, no matter from what direction it may come. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, it is not often that I burden the House with an attempt to make a speech of any kind, but I am led to do so this morning because of the statements made by my friend from Texas [Mr. HUDSPETH], coupled with the fact that this morning I was permitted to regale myself with an extension of remarks by the gentleman from Tennessee [Mr. HULL], as found in the Record. In those remarks I found statements made by the gentleman from Tennessee which astonished me. By reading of those remarks you will be led to believe that the Democratic Party left as a heritage to the Republican Party in 1921 all the money that was necessary to accomplish what has been accomplished in the line of reduction of expenses and economy. As a matter of fact, we inherited a debt of about \$24,000,000,000, hundreds of new governmental activities with thousands of so-called deserving Democrats on the pay roll, a long period of industrial and agricultural depression, and 5,000,000 men and women tramping the streets in search of employment.

Mr. HULL charges the President with willfully broadcasting false statements and propaganda to the people of the country. In the very beginning and at three other places in his speech he makes the statement, which I think he ought to qualify, as leader of the Democratic Party, for he is, I believe, the chairman of the National Democratic Committee, and for a few

moments he wielded the gavel at that great disaster in Madison Square Garden, New York, during July of last year. At three different places, in speaking of the system of high tariff taxation, he says:

They found that antiquated, extortionate, inequitable, and class system of tariff taxation, a system which had been dictated by its own beneficiaries.

In several other places he refers to the fact that the tariff is named by its own beneficiaries, and says:

If the American people would accurately appraise and understand the real attitude of the two political parties—

And so forth, and then goes on to say—and this brings him and the Democratic members of the committee within the purview of this statement—

that in recent years tariff beneficiaries have been accustomed to give large campaign contributions and in return have been permitted to send their lobbyists to Washington and to write their own high and exorbitant rates.

I do not know what his definition of recent is, but if it is not confined by too many limitations it might be within the period during which the Democrats wrote the Underwood bill, and perforce he indicts himself and his Democratic colleagues on the Ways and Means Committee. The attitude of you men seems strange. I presume it is on account of your environment. It is due to the fact that you allow your judgment to be warped by your prejudice, that you can not see the light, and you are always talking free trade as you did in the 1918 campaign.

My opponent said to the people in my district, "He is an old-fashioned Republican. We Democrats, through our President Wilson, have taken the tariff out of politics and we have established a tariff commission to handle that question." He did not tell the people that the Tariff Commission is a fact-finding body; that they have no power to recommend; that there would still be a Ways and Means Committee, and that there would still be tariff bills and consequent protection to American industries.

Under Democratic administrations what have you people given to the country in the way of a tariff bill? What have you given us? There is no mention in Mr. HULL's speech of the bread lines and soup houses from the days of Cleveland to the Underwood bill which occurred all during your administration. During those periods by nonemployment and partial day service in the factories you reduced continually the purchasing power of the American men and women in this country who toil. That is what you have given us as a result of your free-trade policies.

Even your candidate for President in a closing 15-minute speech the night before the election, commiserated with the poor American woman housewife who stood there surrounded by the tax on aluminum and the tax on knives and forks.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CROWTHER. I only have five minutes.

Mr. HUDSPETH. I yielded to the gentlemen.

Mr. CROWTHER. I want to say that under the Republican administration and under every tariff bill that has been written the American housewife has known something of the purchasing value of her dollar, and she remembers the day when she had to try to make \$1—under a Democratic administration, and free-trade policy—do the work of the \$2 that she should have had. You know you can not fool the American women very much. You Democrats tried to do that last year with your ridiculous deductions of the tariff question. You tried to fool the farmers, and you had about the same success as when you tried to have him accept the free-silver doctrine of your great convention disturber, Mr. Bryan. You can not fool our up-to-date American women, because Democratic free trade means an empty pay envelope, and that means that she and her children will be deprived of many of the necessities and luxuries that here in America we intend they shall have.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. CROWTHER. Yes.

Mr. HUDSPETH. Your President says he is in favor of a tariff on hides, and he comes from the heart of New England. Why do you not enact it?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. CROWTHER. I want just two minutes in order to answer that. I want to make my position clear on the hide question. Nobody doubts my attitude on the tariff question.

Mr. HUDSPETH. Not since we have heard the gentleman's statement.

Mr. CROWTHER. When that amendment was up and was voted on in the House, I will say to my friend from Texas, I supported it, presuming there would be a compensatory tariff on the manufactured product, boots and shoes and kindred articles. Let me say that shoe leather is now on the free list, and many things are made out of it besides shoes.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CROWTHER. Let me first finish this statement. That amendment, either willfully or by inadvertence or in some other way, neglected to carry the language that had always been carried. You lawyers always say "inadvertently" because you never admit an error, but there was an error somewhere, and in the same bill there was a duty on wool, which was enacted at that time, and that made the people in my territory who imported sheep and lamb skins pay two duties, because they left out the language "of the bovine species," and they would not put it back in again. Therefore my people would have to pay a duty on the pulled wool from the skin and they would have to pay a duty on lambskins and sheepskins which would have entered the customhouse as hides the way the amendment was written, and under those circumstances I voted against it. When you are willing to put a duty on hides and make it of the bovine species only, which is the language that has always been carried, and give a compensatory duty on boots and shoes, I will vote with you for a duty on hides just as high as you want it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman half a minute in order that he may answer a question. The gentleman talks about the Democrats fooling women; I want to ask the gentleman if it is not a fact that practically all of the Republicans are married men?

Mr. CROWTHER. That may be perfectly true, but I want to say to my friend that there are some women that marry a man to reform him, once, but they never marry a second husband with that same idea in view. They have helped the gentleman's party once, I remember, when your leader Woodrow Wilson promised to "keep us out of war." It will be many years before the women of this country can with any degree of confidence believe the promises of the Democratic Party and its leaders.

If the gentleman from Tennessee [Mr. HULL] knows who these people are that he claims come to Washington and either in person or through lobbyists write their own rates in our tariff bills, he should either publish their names or forever hold his peace on that particular subject. He belittles the committee of which he is a member when he makes such a statement. I wish that his speech might be in book form, so that in case the library should be short of copies of the tales of Baron Munchausen the extension of the gentleman from Tennessee might be substituted.

Mr. BLANTON. The gentleman from Minnesota [Mr. WEFALD] wants two minutes, and can not the gentleman from Maryland yield him that time? He is on his side.

Mr. ZIHLMAN. I yield to the gentleman from Minnesota [Mr. WEFALD] two minutes.

Mr. WEFALD. Mr. Chairman and gentlemen, I rise not to take any part in the tariff discussion, but I was very much impressed by the speech of the gentleman from Texas [Mr. HUDSPETH]. When I first became a candidate for Congress I met a farmer at one of my meetings and he wanted to know if I knew anything about the tariff law that you gentlemen passed here. I told him I did not. He said, "When you get down there ask them why they voted for a tariff on pump washers and took away the tariff on hides." That is a question I want to ask now, why did you do it? When the gentleman from Texas prints his speech for consumption at home I want him to print the little story that I am going to tell. It illustrates how a tariff on all kinds of leather goods and no tariff on hides affects the farmers. When the tariff was taken off of hides, and hides went down in price, a farmer went to town one day with a great big cowhide and sold it and received the magnificent sum of 85 cents. He said after he sold the hide he went down to the hardware store to buy two washers for his pump and he had to pay a dollar for them. He said, "What a fool I was. If I had known anything about the tariff law I could have cut the ears off the hide before I sold it and used them for pump washers and saved the dollar and the price of the hide." [Laughter.]

When the gentleman spoke of the tariff on catgut fiddle strings, I remind him of the fact that in Congress tariff laws are made by the men that do not pay the fiddler. I expect

little benefit to come to the farmer in the passage of a new tariff law; there are no other interests that he can pool his interests with in order to get anything he wants into the bill, and his friends in Congress always disagree as to what the farmer needs in the way of tariff protection; the discussion here to-day has disclosed that. He has a few friends on both sides of the aisle here and not enough on either side to become a real factor here. I imagine if I am here when another tariff law is passed I am going to see party lines absolutely fade away. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, we are considering a bill entitled the milk bill. I think it is extremely fitting that while we are deliberating on such a subject a debate on the protective tariff should have been provoked, because the high Republican protective tariff has been engaged in milking the American people ever since it was first enacted. I want to rise and defend my colleague the gentleman from Texas [Mr. HUDSPETH] against the castigation of the gentleman from New York [Mr. CROWTHER]. The gentleman from Texas charges the gentleman from New York with not having voted for a tariff on hides.

Mr. LOWREY. I want to say, in defense of the gentleman from New York, that he is candid enough to speak of the Democratic failure in New York as a disaster. I thought he ought to be given that credit; he was speaking from the standpoint of the interest of the people. [Laughter.]

Mr. CONNALLY of Texas. The gentleman from Texas charged the gentleman from New York with not having voted for a tariff on hides, while he voted for a tariff on articles manufactured from hides. That was of course a consistent charge. If the gentleman from New York really believed in a protective tariff, if he believed in the broad, philosophical doctrine that a protective tariff is beneficial to all the commerce and all industry of all the people of the United States and not to a little, favored, preferred, and selected group of interests in the United States that is comprehended within the congressional district of the gentleman from New York, then that was a pertinent question and a pertinent charge by my colleague. I believe that my colleague believes in the tariff policy that covers the whole country, but the trouble is that when he makes such a charge about the gentleman from New York that kind of philosophical question does not reach his political conscience. He admits it on the floor. Why, he said:

Yes; I believe in a protective tariff on hides, provided that when you protect hides 15 cents worth you then put a compensatory duty on shoes, not at 15 cents, but many, many times 15 cents.

Mr. HUDSPETH. Fifty per cent on the value.

Mr. CONNALLY of Texas. On a basis of 50 per cent on the value. At the time the hides amendment was pending an ordinary cowhide was selling for \$1.20.

Mr. HUDSPETH. And in many instances you could not get a sale.

Mr. CONNALLY of Texas. A cowhide was selling for \$1.20, and a 15 per cent duty on it would have raised the tariff on one hide of one cow 18 cents. It was shown in the hearings and elsewhere that one cowhide would make several pairs of shoes.

Mr. HUDSPETH. Oh, the gentleman from Oregon [Mr. HAWLEY] admitted that it would make 12 pairs of shoes, and he voted to take the tariff off of hides.

Mr. CONNALLY of Texas. Well, we will call it 10 pairs. I do not want to accept the statement of the gentleman from Oregon, but I will discount it and say 10 pairs—10 pairs of shoes large enough to house the feet of the gentleman from West Virginia. Ten pairs of shoes. Now, let us suppose these shoes cost \$4 a pair. I am talking about a conservatively low price on the shoes worn by the average of the American people wearing \$4 shoes. If you are going to estimate the cost of shoes like the gentleman from West Virginia wears, it would probably be \$16 or \$20, because we know that the gentleman from West Virginia wears the very best.

Mr. ROSENBLUM. The same hide would make four pairs of shoes for the gentleman from Texas.

Mr. CONNALLY of Texas. I am selecting the gentleman from West Virginia because it is well known that he stands in this House as the modern reproduction of that famous English character, Beau Brummel. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I yield the gentleman five minutes more.

Mr. CONNALLY of Texas. Ten pairs of shoes—not at an aristocratic price, but at a plebeian price of \$4 per pair would amount to \$40. If you levy only 10 per cent on \$40 worth of

shoes, the tariff would be \$4, but if you wanted to levy 50 per cent, as the gentleman from New York [Mr. CROWTHER] wants to do, according to the gentleman from Texas [Mr. HUDSPETH], you would levy \$20 protective tariff on those 10 pairs of shoes that came out of one hide, and the farmer would get 18 cents protective tariff out of his part of the transaction. The constituents of the great broad-minded gentleman from New York who manufactures shoes would get \$20 protective tariff in order to compensate them for the insignificant little 18 cents that the farmer would get.

My friend from Texas [Mr. WURZBACH] twits some of us Texans on the Democratic side for not voting for a tariff on hides. The majority of us did not vote for a tariff on hides. Why? It would have been to our immediate but temporary political advantage perhaps to have tried to further this fraudulent relief to our people, but we knew of the trap that the Republican side had set for us, and that the moment we voted for a tariff on hides there would come from the Committee on Ways and Means a compensatory duty, not for the purpose of compensating, but for the purpose of taking out of the other pocket of the farmer many times as much as the few coppers he might receive in one pocket from the duty on hides. We voted that way because we sensed the fact that this whole protective tariff theory is one of cold blooded selfishness—founded upon the rule that might makes right—to take from one citizen and give to another. We knew the gentleman from New York was not going to vote for a duty on hides, because we know he did not believe in the protective principle for all people, but only for the glove manufacturers who reside in his district and for the other protected interests that reside in his own district. And so he told the gentleman from Texas [Mr. HUDSPETH], "Why, yes; the trouble about hides was that you did not limit it to cow hides, and I have got some manufacturers in my district who use some other kind of skins." If it is right to tax cow hides with a protective tariff, why is it not right to tax all kinds of hides?

Mr. HUDSPETH. And they use the farmer's skin up there also.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield? Mr. CONNALLY of Texas. Yes.

Mr. WURZBACH. I am wondering whether I am mistaken in the belief that my friend from Texas has declared himself on the floor of this House as being opposed to all sorts of the tariff, and that he is a free trader.

Mr. CONNALLY of Texas. I shall be glad to frankly tell the gentleman how I stand.

Mr. WURZBACH. I think that would be a consistent policy.

Mr. CONNALLY of Texas. My friend, Mr. WURZBACH, may be in favor of all kinds of protective tariffs that may be enacted by the Republicans. In abstract theory I am a free trader. However, in practice it is perhaps impracticable, since other countries have tariffs, and that policy has never been adopted by either one of the political parties in this country. My own party has never adopted it, and I stand with my party. If I were in power in this House, if I levied a tariff—and I would, because a revenue or competitive tariff is advocated by the party to which I belong—I would levy a tariff not on a few articles, not on some articles, but I would levy a revenue tariff on practically every article that comes through the customs, whether it be a raw article or a manufactured article.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Will not the gentleman yield me two minutes more?

Mr. BLANTON. Mr. Chairman, this is District day, and I think we ought to get on with District business. We can fight out the question of the tariff at some other time. However, I yield the gentleman two more minutes, though I think we ought to go ahead with District business from now on.

Mr. CONNALLY of Texas. I thank the gentleman. I would levy that duty on practically all things that come through the customhouse for the purpose of raising revenue, and the reason I would levy it on all things that come through the customhouse is because I would desire each article and each product to bear its proper relative burden, and when I did that I would destroy the inequities and inequalities of the Republican tariff protective system, which is not based on that kind of theory, but which is based upon the theory that by taxing part of the people who receive no benefit from the tariff they are thereby enabled to enrich a few people represented by the gentleman from New York [Mr. CROWTHER] and other special interests in this country similarly represented.

Mr. WURZBACH. I want to know how much revenue the gentleman would derive under his system?

Mr. CONNALLY of Texas. I can not, of course, answer that question without estimates as to volume of trade and rates of duty.

Mr. HUDSPETH. We raised \$390,000,000 under the Underwood bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCER].

Mr. TINCER. Mr. Chairman, I take the floor here in the interest of harmony. I do not think we ought to have any bad feelings over this tariff question. I take the floor particularly to call attention to the harmony that we have in the State of Texas. As I understand my friend, Mr. HUDSPETH, he is not only for a tariff but he had the nerve to say that he was for a tariff from the same platform where Mr. McAdoo denounced the tariff in his home State after the passage of the Underwood tariff law.

Mr. HUDSPETH. And the gentleman might add also that in my congressional district Senator UNDERWOOD carried 39 counties and Mr. McAdoo 1.

Mr. TINCER. The last gentleman from Texas [Mr. CONNALLY] who rose to defend his colleague against an attack, as he terms it, by the gentleman from New York [Mr. CROWTHER], is not as nearly in accord with the gentleman from Texas, whom he rose to defend, as is the gentleman from New York.

He admits he is for free trade. He voted against a tariff on hides at the time when provincial New England was hiding behind the claim that they wanted a compensatory tariff on shoes. It was all bunk, and they know it [applause], because they do not import boots and shoes into this country, and when a man hunts that excuse for voting against a protection on hides he is simply hunting an excuse to agree with a letter or a telegram which he had received that morning from the manufacturer in his home district asking him to vote against it. I congratulate the country on the fact that though the present leader of the Republican Party, our President, comes from the heart of that provincial region he is big enough to stand out and recommend to this Congress that we put a tariff on the farmers' products even though it be upon the raw material. [Applause.] I think there is some consolation in the fact that Massachusetts has at last furnished a President of the United States who has the nerve to be a protectionist. Heretofore we have had about as many protectionists from Massachusetts as we have had from Texas.

I would like to agree with my Texas friends who are in the livestock business, the same as I am, but when I get behind JOHN GARNER on his competitive tariff—whatever that is—and try to follow CLAUDE [Mr. HUDSPETH] on the revenue tariff, and then Mr. CONNALLY of Texas undertakes to define their position and winds up in a declaration for free trade, and then I hear the president of the great Tariff League of America, Mr. Kirby, talk, I wonder if there are any two men in Texas who will agree on the tariff.

Mr. JOHNSON of Texas. There are a number.

Mr. TINCER. We do not get many votes from Texas and the South for a protective tariff, and we do not get enough from New England, although the prospects are brighter. I want to repeat here that a man who votes against a tariff on hides, claiming to do so for fear it will raise the price on shoes, he is talking to his district [applause], and he is not talking from any information he has acquired by a study of the subject. Of course, to-day is the first time I ever had an understanding that the Underwood tariff law was a great protective measure. I did not know that hides were protected under it. I knew when we were about to repeal it and enact the Fordney-McCumber tariff law that hides were cheaper and shoes were higher than they had ever been in the history of the country, and I know the fact that the vote to put hides on the protective list has not reduced the price of shoes in this country.

Mr. HUDSPETH. If the gentleman understood me to say that hides were protected under the Underwood bill, he is in error; it was under the Dingley bill.

Mr. TINCER. A Republican bill. There never was a Democratic tariff law that protected an agricultural product; there never was. Since the distinguished gentleman from Texas has had a position in the making of tariff bills, I understand he has always been able to take care of a little industry—mohair—and it has been protected. But that is a personal matter. The Democrats have never afforded the agricultural people of this country any protection on any article. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask for a reading of the bill.

Mr. BLANTON. Mr. Chairman, I yield three minutes to myself.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. BLANTON. The gentleman did not ask for any time.

Mr. ZIHLMAN. Will not the gentleman from Texas take five minutes later?

Mr. BLANTON. No. I want it now, but will only take three minutes, Mr. Chairman, unless interruptions should cause me to take more. I still have much of my hour unexhausted.

Lots of us Texas fellows are together on this tariff question, let me say to the gentleman from New York. Why you take Mr. GARNER, Mr. HUDSPETH, Mr. JONES, and myself, and possibly others that I could name, we voted for the emergency tariff bill because we believed that while we are for a tariff for revenue only, yet as long as we have to levy \$500,000,000 and collect it through the customhouse, we just as well collect some of it upon some of the products of the farms and ranches and not all of it upon the finished articles of New England. Is not that a fair, square proposition? Is Mr. RAINEY, of Illinois, willing to say that is not a proper Democratic idea? No; he has to admit it. He will admit that we have to collect \$500,000,000 a year through the customhouse. Why not levy part of it on farm and ranch products? Why do they want to put it all on manufactured articles of New England? I do not. Why is not Mr. RAINEY willing to let some of that \$500,000,000 go on the products of the farms and ranches? These raw products of the farms and ranches will collect revenue just the same as the finished products of New England. Can any Democrat gainsay that?

Mr. CONNERY rose.

Mr. BLANTON. That is our position; is it not fair? Is there anything non-Democratic about that? That is all I want to say.

Mr. ZIHLMAN. Mr. Chairman, I ask for a reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act none but pure, clean, and wholesome milk, cream, or ice cream conforming to the definitions hereinafter specified shall be produced in or shipped into the District of Columbia or held or offered for sale therein, and then only as hereinafter provided.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: On page 1, line 4, after the word "cream," insert the word "butter."

Mr. ZIHLMAN. I wish the gentleman would explain fully the purposes of his amendment.

Mr. LINTHICUM. Mr. Chairman, in the Sixty-first Congress my attention was brought to the fact that dairy products should have an inspection by the United States Government, either in cooperation with local government or alone, for the protection of the life and property of the people of the United States. The resolution was as follows:

A resolution providing for the appointment of five Members by the Speaker to investigate and report to this House—

A. Whether conditions prevailing in dairies and dairy products seriously menace the health and property of the citizens of the United States.

B. Whether Federal inspection and supervision, either alone or in cooperation with State and municipal inspection and supervision, is necessary to the reasonable protection of the health and property of the citizens of the United States.

C. If so, then the best and most economic methods of inaugurating and enforcing such investigation and supervision.

I am mighty happy that even though some years have passed we are now enacting a law which conforms to the spirit and letter of the resolution which I introduced at the request of Mr. John Ferguson and his coworkers in the labor organization of Baltimore. I shall support and vote for the bill wholeheartedly, but I shall do all in my power to make it cover the whole field by also including butter.

The resolution provided that five men should be appointed as a committee by the Speaker of this House, five Members of this House, to consider this resolution, to have hearings upon it, and to determine whether or not it should be enacted into law. Hearings were held before the Committee on Rules, but we were unable to have the resolution reported or considered.

It was shown at that time that while there were 22,000,000 milk cows in this country, yet 1 in every 10 was affected with tuberculosis. It was shown further that 6,000 children were

dying in this country every year from bovine tuberculosis. While we were unable to get any action upon this resolution, we did, however, get appropriations for the eradication of tuberculosis, and in conjunction with the Committee on Agriculture, of which my personal friend from Nebraska, Mr. Sloan, was a member, we were able at that time to get \$250,000 appropriated for the eradication of tuberculosis in cattle.

The following year we got \$500,000 appropriated, and it might astonish some Members of this House to know that today the Agricultural appropriation bill contains an item of \$3,560,000 for the eradication of tuberculosis in cattle. The result has been that this bovine tuberculosis has been wonderfully reduced—I think to 3½ per cent of milk cattle—and that a far less number of children are dying to-day from bovine tuberculosis than in former years.

It was shown in that hearing that children under 5 years of age who died from tuberculosis constituted 26 per cent of those who died from tuberculosis contracted from cattle infected with bovine tuberculosis; that of those between 5 and 16 years of age 16 per cent died from bovine tuberculosis, and that 15 per cent of all tuberculous cases among children died of bovine tuberculosis.

It was shown clearly by men familiar with the subject that the bacilli can be carried through butter, and why we provide that milk and cream and ice cream should be pure, to eliminate butter, one of the great essentials, is more than I can understand.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KELLER. Has the gentleman sufficient knowledge of the bill to know whether it includes butter?

Mr. LINTHICUM. Well, if you intend to include butter further on, it ought to include it in this paragraph, which denotes for what purposes the bill is being enacted.

Mr. KELLER. Does the bill as it is now written contain the word "butter"?

Mr. LINTHICUM. If it said anything concerning butter, it should be carried in this paragraph, so as to show that butter is also included in the provisions of this bill.

Mr. KELLER. Suppose we added the word "pasteurized." How could we enforce the law by putting it in the bill?

Mr. LINTHICUM. This bill says in its first section—

That from and after the passage of this act none but pure, clean, and wholesome milk, cream, or ice cream conforming to the definitions hereinafter specified, shall be produced in or shipped into the District of Columbia or held or offered for sale therein, and then only as hereinafter provided.

The hereinafter provision, providing inspection from outside the District, is lines 2, 3, and 4, on page 2, as follows:

Provided, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, may I have three minutes additional?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for three minutes additional. Is there objection?

There was no objection.

Mr. LINTHICUM. Why not say butter also, which is made of the raw product, if you want to protect the people of this District from the effects of impure milk products? If you are going to inspect these dairies, it is just as essential for our people to have pure butter as pure milk and cream. Sixty per cent of the bacilli is carried in the cream, and butter is made of this cream.

Mr. BRAND of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRAND of Ohio. Is the gentleman aware of the fact that the butter is not made here from the milk produced in the dairies that this bill covers?

Mr. LINTHICUM. I am. That is one of the troubles. The butter is made from milk and cream produced, in many cases, far distant from this District. Sometimes the milk is so fermented that it has been known to blow the top off the can, and yet you would inspect and investigate the farms and products of our near-by farmers and compel pasteurization; but if the butter comes here from far beyond, no matter how made nor how impure, it may come in without hesitation.

Mr. BRAND of Ohio. If we undertake to inspect butter, must we not go back to where the butter is produced?

Mr. LINTHICUM. No. It is provided that it should come under the supervision of the board of health of that State, as I have mentioned above, as provided by lines 2, 3, and 4 on page 2.

Mr. BRAND of Ohio. Does not the gentleman realize that ice cream is exempted under this law on account of the fact that they go off to a distance to get the milk?

Mr. LINTHICUM. Why should it be allowed to come impure because from afar? I think the District of Columbia ought to be paramount in all things, and that it ought to be paramount in the protection of the health of its people. It ought to be an example to all parts of the country, and nothing should be exempted that affects the health of the people of this District, whether from near-by or more distant States. What is sauce for the goose is sauce for the gander.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I think if the gentleman from Maryland [Mr. LINTHICUM] had worked on this bill as some others have done, he would not advance this proposition. All the butter that comes into the District moves in interstate commerce, and it is directly under the supervision of the Department of Agriculture. The Department of Agriculture establishes a standard and directs the tests that are to be made, and the Department of Agriculture acts in close cooperation with the authorities of the District of Columbia. There has not been any suggestion at all that anything can be accomplished by dealing with butter in this bill.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. LINTHICUM. I want to say to the gentleman that I do not know how hard his committee has worked on this proposition, but I know that I worked on it for years before the gentleman came here. On page 4 you provide—

Provided, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

Why should not that be applied to butter?

Mr. MOORE of Virginia. Simply because there is no necessity, and the health officer of the District has not detected any necessity for that. As a matter of fact there is not any complaint at all, such as my friend from Maryland suggests, that impure butter is coming into the District.

Mr. LINTHICUM. Then that shows the gentleman has not read the hearings on these matters.

Mr. ZIEHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this section and all amendments thereto do now close. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Maryland.

Mr. BOX. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 7, noes 35.

Mr. LINTHICUM. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That no person shall keep or maintain a dairy or dairy farm within the District of Columbia, or produce for sale any milk or cream therein, or bring or send into said District for sale, any milk, cream, or ice cream without a permit so to do from the health officer of said District, and then only in accordance with the terms of said permit. Said permit shall be for the calendar year only in which it is issued and shall be renewable annually on the 1st day of January of each calendar year thereafter. Application for said permit shall be in writing upon a form prescribed by said health officer and shall be accompanied by such detailed description of the dairy or dairy farm or other place where said milk, cream, or ice cream are produced, handled, stored, manufactured, sold, or offered for sale as the said health officer may require, and shall be accom-

panied by a certificate signed by an official of the health department of the District of Columbia, the United States Department of Agriculture, or some veterinarian authorized by the United States Department of Agriculture or the health department of the District of Columbia, detailed for the purpose, certifying that the cattle producing such milk or cream are physically sound, and in the case of milk or cream held, offered for sale, or sold as such shall in addition be accompanied by a certificate signed by one of the officials aforesaid certifying the cattle producing such milk or cream have reacted negatively to the tuberculin test as prescribed by the Bureau of Animal Industry, United States Department of Agriculture, within one year previous to the filing of the application: *Provided*, That a permit may be issued to a corporation, partnership, or mutual association to ship milk and cream under the same conditions as the individual shipper: *Provided further*, That the health officer may accept the certification of a State or municipal health officer: *And provided further*, That final action on each application shall, if practicable, be taken within 30 days after the receipt of such application at the health department.

With the following committee amendment:

On page 3, beginning in line 1, strike out all of lines 1, 2, 3, 4, and 5, and insert in lieu thereof: "*Provided*, That the word 'person' in this section shall include firms, associations, partnerships, and corporations, as well as individuals: *And provided further*."

Mr. LAMPERT. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the committee amendment which the Clerk will report.

The Clerk read as follows:

Mr. LAMPERT proposes that the committee amendment, on page 3, be amended so as to read as follows: "*Provided*, That the words 'person or persons' in this act shall be taken and construed to include firms, associations, partnerships, and corporations, as well as individuals: *And provided further*."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin by way of a substitute for the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 1, line 11, after the word "milk," insert "butter"; on page 2, line 1, after the word "milk," insert "butter"; on page 2, line 10, after the word "milk," insert "butter"; on page 2, line 22, after the word "milk," insert the word "butter."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. This is a bill to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes. It has no reference whatever to butter, and the amendment is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LINTHICUM. Mr. Chairman, this bill is to provide pure, clean milk products. It is true it mentions milk, cream, and ice cream, but butter is as much a milk product as any of the others. It certainly seems that if the word "butter" is germane anywhere it ought to be germane in this bill, which is providing for the health of the people of the District of Columbia and to protect them against unclean milk and other milk products.

Mr. MOORE of Virginia. Mr. Chairman, if that is a tenable argument, then we might extend this bill to cheese.

Mr. LINTHICUM. Why should it not be extended to cheese?

Mr. MOORE of Virginia. And, more remotely, candy, into which milk enters, and other articles.

Mr. LINTHICUM. Why should they not be protected? Why should we limit protection to our people merely for expediency? I have just been informed by a gentleman interested in this bill that if we include butter we could not pass the bill. For expediency we must eliminate the great butter industry from compliance.

Mr. BLANTON. Butter was not included in the bill because we already have a law protecting butter.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard any further?

Mr. LINTHICUM. No; not on the point of order.

The CHAIRMAN. The Chair will state that there is room for doubt on the question of germaneness, in the opinion of the Chair, with reference to this amendment. The Chair's attention has been called to a bill prohibiting the importation of goods "made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict prison labor," to which an amendment prohibiting the importation of goods made by child labor was held not germane on the ground that labor described in the bill constituted a single class of labor. The decision was by Speaker Clark on March 25, 1914, and occurs on page 5481 of the CONGRESSIONAL RECORD for the second session of the Sixty-third Congress. In other words, a distinction was made with reference to the method in and conditions under which goods were manufactured, although the goods were all of the same class. In the bill now pending all of the provisions, including the first section, which has already been adopted, relate entirely and solely to milk, cream, and ice cream. It is a matter of common knowledge that they belong to a class which, if subjected to any processes whatever, are subjected to entirely different processes from those to which butter, cheese, and other like products made of the same raw materials would be subjected, and for that reason it seems to the Chair that the amendment is not germane. An entirely different system of supervision and treatment would have to be provided for butter than is contemplated by this bill for milk, cream, and ice cream. Therefore the point of order is sustained.

The Clerk read as follows:

SEC. 3. That the health officer is hereby authorized and empowered to suspend any permit issued under authority of this act whenever in his opinion the public health is endangered by the impurity or unwholesomeness of the milk supply of any such farm, corporation, partnership, or mutual association, and such suspension shall remain in force until such time as the said health officer is satisfied the danger no longer continues: *Provided*, That whenever any permit is suspended the health officer shall furnish in writing to the holder of said permit his reasons for such suspension, and the dealer receiving such milk or cream shall also be promptly notified by the health officer of such suspension.

Mr. LAMPERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAMPERT: On page 3, lines 15 and 16, strike out the words "supply of any such farm, corporation, partnership, or mutual association," and insert in lieu thereof after the word "milk" in line 15, the words "cream or ice cream supplied by any person."

Mr. BLANTON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on his amendment?

Mr. BLANTON. Why is this amendment offered?

Mr. LAMPERT. This is to clarify the language.

Mr. BLANTON. This is not a committee amendment. The committee has not agreed on this amendment.

The CHAIRMAN. The gentleman from Texas is recognized unless the gentleman from Wisconsin desires to be heard.

Mr. BLANTON. This amendment ought not to be put in because if it is put in here it does not prevent a firm or corporation or partnership or mutual association from doing the very things we are seeking to prevent them from doing. You are confining it only to a person and you are letting these other concerns—

Mr. LAMPERT. Mr. Chairman, I believe I can explain the amendment to the gentleman from Texas if the gentleman will yield.

Mr. BLANTON. I yield to the gentleman.

Mr. HILL of Maryland. May we have the amendment reported again?

Mr. BLANTON. I do not yield for that purpose. I have the floor and I yield to the gentleman from Wisconsin.

Mr. LAMPERT. If the gentleman will refer to line 5, page 3, he will see that we have adopted an amendment which provides that the word "person" in this act shall include firms, associations, partnerships, and corporations, as well as individuals. It was simply to clarify the language that this amendment was offered to omit those words.

Mr. BLANTON. The amendment is all right. The gentleman has made a wise explanation.

Mr. BURTNESS. Will the gentleman yield just a moment?

The amendment that has been adopted does not say "the words 'person' in this act," but "in this section."

Mr. MOORE of Virginia. That language has been amended and it now refers to the act.

Mr. BURTNESS. Then that is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment, at line 15, after the word "milk," to insert the words "cream or ice cream."

The CHAIRMAN. The Chair will state to the gentleman from Maryland that the amendment just adopted offered by the gentleman from Wisconsin includes those words.

Mr. LINTHICUM. I should like to have it again reported.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the amendment just adopted may be read by the Clerk for information. Is there objection? [After a pause.] The Chair hears none.

The amendment was read for information.

Mr. LINTHICUM. Mr. Chairman, I withdraw my amendment.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed to prohibit interstate shipments of milk or cream into the District of Columbia for manufacturing into ice cream: *Provided*, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In the opinion of the committee, do the provisions of this bill apply to interstate shipments of evaporated milk or condensed milk, so called?

Mr. MOORE of Virginia. The section we are now upon?

Mr. BURTNESS. I refer to the bill as a whole, but the question came to my mind particularly upon reading section 4. The thought occurred to me that it may be ambiguous and that it may by its general terms apply to evaporated milk as well as to whole milk.

Mr. MOORE of Virginia. The gentleman is speaking about reconstructed milk and skimmed milk, and so forth?

Mr. BURTNESS. I mean the ordinary condensed milk, particularly. We have a Federal law, of course, against the shipment in interstate commerce of filled milk.

Mr. MOORE of Virginia. Subsequent provisions in the bill deal with that subject. My eye falls upon one such provision which is contained in section 10 and which the gentleman may look at without my reading it.

Mr. BURTNESS. Is it the intention of the committee that this act, in a general way, is to prohibit interstate shipments of condensed milk into the District of Columbia unless there is a permit and things of that sort obtained by the factory which produces such milk?

Mr. ZIHLMAN. I call the gentleman's attention to page 7 of the bill, section 13, which defines what milk is.

Mr. CLAGUE. That covers it. It does not apply to evaporated milk.

Mr. BURTNESS. The intention is to leave out evaporated milk, I take it.

Mr. ZIHLMAN. Yes.

Mr. BOYLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOYLAN: On page 4, line 4, after the word "health," insert: "*Provided*, That the same standard of regulation is maintained by said commission or said board of health as is provided in this act."

Mr. BOYLAN. Mr. Chairman, the idea of this amendment is that the milk or cream used in the manufacture of ice cream may be as pure as the milk and cream required for admission into the District, in order that we may be protected from poisoning from impure milk or cream. We want to be protected from indirect poisoning by the use of impure milk or cream in the manufacture of ice cream. I think the amendment safeguards the purposes of the bill.

Mr. ZIHLMAN. Mr. Chairman, I call attention to the fact that the adoption of this amendment would be unwise. This section deals with the shipment of milk in interstate commerce, and in the second place it would make it necessary that all State laws should conform to the laws of the District of Columbia in relation to the regulation of milk and cream. I think it would be very unwise to adopt it at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment: In line 2, page 4, after the word "milk," strike out the word "or," and after the word "cream," insert "or ice cream."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 2, after the word "milk," strike out the word "or," and after the word "cream" insert the words "or ice cream."

Mr. LINTHICUM. Mr. Chairman, I take it that the committee proposed to include ice cream here as they have in the previous parts and subsequent parts of the bill. The gentleman from Virginia speaks about butter being interstate and that we could not protect it. It seems to me that under this provision, page 4, "that such milk or cream as produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health" we ought to be able to protect the District of Columbia against impure butter or butter-carrying germs just as much as we can protect milk or cream or ice cream. I am not speaking for the purpose of delay or anything of that kind, but medical experts tell us so clearly and in such specific language that bacilli can be transported in butter and kept alive for a long while, and I am talking for the protection of the people against impure butter. In milk and cream you propose to pasteurize it, and if there are any germs in it you propose to kill the germs so that they will not affect people, and at the same time you allow them to bring in butter without inspection, butter made from the raw product with no pasteurization or anything of that kind. I am very anxious to protect the people of the District against that raw product which has not been pasteurized.

Mr. BLANTON. Mr. Chairman, the gentleman has not caught the meaning of this section. This section provides that where the milk and cream is shipped into the District for making ice cream it can not come in without proper inspection. His amendment puts in ice cream, and ice cream has no reference to the section at all. It is milk and cream that goes into the manufacture of ice cream. He has misread the paragraph.

Mr. ZIHLMAN. Mr. Chairman, I agree with what the gentleman from Texas has said. This section deals with the shipment of milk for the manufacture of ice cream.

Mr. LINTHICUM. Where does it specify that it is the shipment for the manufacture of ice cream?

Mr. ZIHLMAN. The gentleman can read the section, it is not necessary for me to read it to him.

Mr. LINTHICUM. The provision means that in case the milk or cream comes from outside of the District of Columbia it shall come under health laws of that State for inspection. Suppose the ice cream comes from outside? Why does not this apply clearly to that?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

"Pasteurized milk" is milk produced from healthy cows, as determined by the physical examination and tuberculin test as hereinbefore provided for "raw" milk. Said milk shall be pasteurized under regulations prescribed by the health officer. The milk immediately after being pasteurized shall be cooled to a temperature of not more than 45° F. and maintained to at least such temperature. The farm on which the milk is produced must rate not less than 70 per cent, the dairy from which said milk is sold or distributed not less than 85 per cent, and the cows producing the milk not less than 90 per cent on the rating cards now in use by the health department of the District of Columbia. It shall not contain less than 3.5 per cent of butter fat or 11.5 per cent total solids; nor shall it contain when delivered to the consumer more than 50,000 bacteria, total count, per cubic centimeter, and be free from colon bacilli and other pathogenic organisms and all visible dirt. No such milk shall be pasteurized more than one time.

Mr. LAMPERT. Mr. Chairman, I offer the following amendments.

The Clerk read as follows:

Page 9, lines 9 and 10, strike out the words "now in use by" and insert in lieu thereof "in use at the time by."

Page 9, line 13, strike out the word "fifty" and insert the word "twenty."

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin.

The question was taken, and the amendments were agreed to.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the commit-

tee a question. On page 9, lines 5 and 6, is this language: "The farm on which the milk is produced must rate not less than 70 per cent." I would like to ask what that means?

Mr. ZIHLMAN. I will ask the gentleman from Wisconsin to give the gentleman the information.

Mr. KELLER. I can answer the gentleman's question. That refers to the condition of the farm. They have an inspection of the farm and it must have a rating of not less than 70 per cent.

Mr. WHITE of Kansas. They have a rating of 70 per cent according to a certain standard?

Mr. KELLER. Yes.

Mr. WHITE of Kansas. Does that include the condition of the buildings?

Mr. KELLER. Yes; everything, the sanitary condition.

Mr. WHITE of Kansas. That is a new phrase to me, something I never heard of before, I am frank to say, and I did not understand it.

Mr. KELLER. In my judgment this is not high enough, but as long as the committee has agreed on 70 per cent, I am willing to agree to it.

Mr. WHITE of Kansas. Does it go to the extent of the quality or the variety of the food products produced or fed to the dairy stock, or can the gentleman say?

Mr. KELLER. This refers more to the conditions on the farm, the buildings, and so forth.

Mr. BURTNESS. Of course, the 70 per cent is qualified by the words "on the rating cards now in use by the Health Department of the District of Columbia." That wording, however, has been modified by the amendment of the gentleman from Wisconsin [Mr. LAMPERT], and I take it that this commission which has power to determine these cards is granted very broad discretion, and that nobody could tell to-day what that commission may decide to be advisable to put on these rating cards, or what test to use 1 year or 2 years or 10 years from now.

Mr. KELLER. That is correct.

Mr. BURTNESS. And I take it that the committee has confidence in the commission to be established and that it is presumed that it will exercise good judgment in the matter.

Mr. KELLER. It would be impractical for us to suggest to this House the exact regulations that usually are applied to this 70 per cent or 80 per cent.

Mr. BURTNESS. Seventy per cent may be a very stringent regulation or it may be just the opposite, depending entirely upon the kind of regulations that would be prepared and made applicable by the commission which under this bill is given authority to make the regulation.

Mr. KELLER. That is, if they have regulations which are not in themselves drastic, 70 per cent would be low.

Mr. BURTNESS. But if, on the other hand, they are in themselves drastic, then 70 per cent might be high.

Mr. KELLER. That is correct.

Mr. WHITE of Kansas. If it were required that the buildings should conform to a certain standard, then there are standard buildings that are erected by many dairymen who are in the business continually, and yet they may not be uniform to a particular standard. Other conditions might be very satisfactory, so far as the health of the animals is concerned, and if the commission requires conformation to that standard of buildings they might put the producer out of business.

Mr. KELLER. I do not think that is possible, because we apply the average by percentage. The man may not have a well-constructed barn, but he may have a very sanitary barn, and the average gives him a chance.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two or three minutes, as I think he can answer some questions that I have in mind.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. I am sure the gentleman from Kansas can advise me as to what the word "complete," in line 3, page 7, means, and as to what difference is obtained in the milk from a complete milking of a cow and an incomplete milking of a cow?

Mr. WHITE of Kansas. I think that is self-evidence, and it is ponderous, and almost as important as the nursery rhyme—

If all the world were apple pie and all the seas were ink

And all the trees were bread and cheese, what would we do for drink?

Mr. MOORE of Virginia. Mr. Chairman, may I say to the gentleman that I have just had some valuable information given to me by a practical dairyman upon that point? He says that it is an important provision, because there may be a difference between a portion of the milking and another portion of the milking—the stripping. The idea is to make it a complete milking of the cow, and that seems to be the view expressed by those who appeared before the committee and the health officer himself when this bill was under consideration.

Mr. LINTHICUM. Mr. Chairman, I move to amend by striking out "70" and inserting "85" in line 6, page 9.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 6, strike out the figures "70" and insert in lieu thereof the figures "85."

Mr. LINTHICUM. Mr. Chairman, I do not want to discuss that at any length except to say that you are requiring that the dairies shall be 85 per cent, and it does seem to me that if the dairies where the milk is to be handled must be 85 per cent the farms ought at least to be equal to the dairy.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. ZIHLMAN. I call the gentleman's attention to the fact that this matter of percentages is left in the hands of the health officers. He may make strict regulations or lenient regulations.

Mr. MOORE of Virginia. The farm might contain 500 acres, and it might be entirely reasonable to require a percentage of 70 per cent, so far as the farm is concerned; but the dairy is the immediate place where the milk is handled, and there might be and ordinarily is reason why a higher percentage should be required so far as the dairy is concerned. It is upon that view that the health officers act.

Mr. LINTHICUM. That is not what I understood. I understood that 70 per cent was based on the condition of the buildings and the machinery on the farm. I do not think it ought to apply to the 500 acres of land. I refer to the discussion of the question here to-day.

Mr. MOORE of Virginia. I think my friend misunderstood. If anybody inadvertently said that the 70 per cent meant just the buildings and the machinery, I think he would withdraw that opinion, because that percentage applies to the entire farm. The dairy is rated higher, and the cows still higher, 90 per cent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 17. That every person, or persons, receiving a permit to ship milk or cream into the District of Columbia from any creamery, or receiving station, aforesaid, shall keep posted at all times in such creamery, or receiving station, the names of all persons licensed under this act who are delivering milk or cream at any such creamery, or receiving station, and shall keep a record of all milk and cream received, and furnish from time to time a sworn statement giving such information relative thereto as the said health officer may require. The health officer of the District of Columbia shall have power by regulation to include other places than creameries, or receiving stations, under the provisions of this section, from time to time, as may be necessary in his judgment.

Mr. LINTHICUM. Mr. Chairman, I desire to offer an amendment. Page 11, line 10, after the word "milk" strike out the word "or," and after the word "cream" insert "or ice cream."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 11, line 10, after the word "milk" strike out the word "or," and after the word "cream" insert "or ice cream."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 19. That any person or persons violating any of the provisions of this act, or of any of the regulations promulgated hereunder, shall, on conviction, be punished for the first offense by a fine of not more than \$10; for the second offense by a fine of not more than \$50, and for any subsequent offenses within one year a fine of not more than \$500, or by imprisonment in the workhouse for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court, and in addition any license issued under authority of this act may be revoked. Prosecutions hereunder shall be in the police court by the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Is there any provision here for the punishment, on the other hand, of the health department if they make a discrimination between these people? You go after the fellow who brings in milk without a license. Suppose the health department arbitrarily or without any just right or cause refuses to grant a license for them to come in.

Mr. ZIHLMAN. The distinguished gentleman from Oklahoma was a distinguished jurist of his State, and the gentleman knows the laws would apply in case of a discrimination as they would apply—

Mr. McKEOWN. But I am talking about the health board who issues the license.

Mr. ZIHLMAN. I will say there is ample law in the District to take care of matters of that kind.

Mr. McKEOWN. I withdraw the pro forma amendment.

Mr. LINTHICUM. Will the gentleman from Maryland yield for one question?

Mr. ZIHLMAN. Yes; if I have the floor.

Mr. LINTHICUM. I want to ask the gentleman why it is in section 18 you leave out the words "ice cream," and also previous to that? Why is not ice cream included in that place? There is no use in my offering an amendment, because the gentleman opposes it, and it is voted down, but I do not understand why the bill, which is to provide for pure milk, pure cream, and ice cream, when it comes to section 18 and along there the term "ice cream" is excluded. Is there any reason for it?

Mr. ZIHLMAN. That section only refers to shipments within the District.

Mr. LINTHICUM. It says, "That no person in the District of Columbia licensed under this act shall receive any milk or cream from any source," and so forth. Why should it not be "any milk, cream, or ice cream"?

Mr. BLANTON. We get some good ice cream from Baltimore once in awhile.

Mr. LINTHICUM. That is all right; if you get it from Baltimore, it will be good. You get good oysters, too; but that language ought to be in the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I move the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 2803 had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. LINTHICUM. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. ZIHLMAN. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No 57]

| | | | |
|---------------|--------------|------------------|------------------|
| Anderson | Cullen | Griest | Lyon |
| Anthony | Cummings | Griffin | McKenzie |
| Ayres | Curry | Hastings | McNulty |
| Bell | Davey | Haugen | Magee, Pa. |
| Berger | Dempsey | Hawes | Mapes |
| Black, N. Y. | Dominick | Holaday | Mead |
| Bloom | Edmonds | Howard, Okla. | Michaelson |
| Bowling | Evans, Iowa | Hudson | Miller, Ill. |
| Britten | Fairfield | Hull, William E. | Mills |
| Browne, N. J. | Faust | Humphreys | Minahan |
| Buchanan | Favrot | Johnson, Ky. | Montague |
| Buckley | Fenn | Johnson, W. Va. | Moore, Ill. |
| Burdick | Fish | Kelly | Morin |
| Burton | Foster | Kent | Nelson, Wis. |
| Cable | Frear | Kincheloe | Newton, Mo. |
| Carter | Fredericks | Kindred | Nolan |
| Celler | Freeman | Kunz | O'Brien |
| Clark, Fla. | Funk | Langley | O'Connell, N. Y. |
| Cleary | Gallivan | Lankford | O'Connor, N. Y. |
| Cole, Ohio | Geran | Larson, Minn. | Paige |
| Collins | Gifford | Leatherwood | Parks, Ark. |
| Connolly, Pa. | Gilbert | Lee, Ga. | Perkins |
| Cook | Glatfelter | Lilly | Perlman |
| Corning | Goldsborough | Lindsay | Phillips |

| | | | |
|---------------|---------------|---------------|---------------|
| Porter | Schafer | Swoope | Wason |
| Pou | Schall | Tague | Weaver |
| Purnell | Schneider | Taylor, Colo. | Weller |
| Quayle | Scott | Taylor, Tenn. | Wert |
| Reed, Ark. | Sears, Nebr. | Thomas, Ky. | Wilson, Miss. |
| Reed, W. Va. | Sears, Fla. | Treadway | Wilson, Ind. |
| Richards | Snyder | Tydings | Wolf |
| Roach | Sprout, Ill. | Vare | Wood |
| Rogers, Mass. | Sprout, Kans. | Vinson, Ga. | Woodruff |
| Rogers, N. H. | Sullivan | Voigt | Yates |
| Rouse | Summers, Tex. | Ward, N. Y. | |
| Sabath | Sweet | Ward, N. C. | |

The SPEAKER. Two hundred and eighty-nine Members have answered to their names; a quorum is present.

Mr. ZIHLMAN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MOORE of Ohio. Mr. Speaker, there have been a good many inquiries about the rates under the proposed postal pay bill, and I ask unanimous consent to extend my remarks in the RECORD by having printed a comparison of the present rates in the law and those given under the proposed bill as furnished by the Post Office Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The table is as follows:

Statement showing comparison between the present rates of postage with those in H. R. 11444 as reported to the House

| Class | Mail matter | Present rates | Proposed rates |
|-----------------------|---|--|---|
| | Character | | |
| First..... | Post cards (private mailing cards)..... | 1 cent each..... | 2 cents each. |
| Second..... | Transient..... | 1 cent each 4 ounces..... | 8 ounces and under, 2 cents each 2 ounces; over 8 ounces, parcel post rates. |
| | Publishers: Scientific, agricultural, and religious (reading and advertising). Newspapers and periodicals, zone rates advertising— Zone 1 and 2..... | 1½ cents per pound..... | 1½ cents per pound. |
| | Zone 3..... | 2 cents per pound..... | 3 cents per pound. |
| | Zone 4..... | 3 cents per pound..... | 6 cents per pound. |
| | Zone 5..... | 5 cents per pound..... | 9 cents per pound. |
| | Zone 6..... | 6 cents per pound..... | |
| | Zone 7..... | 7 cents per pound..... | |
| | Zone 8..... | 9 cents per pound..... | |
| Third..... | Printed matter..... | 10 cents per pound..... | |
| | Books, catalogues, seeds, bulbs, cuttings, roots, scions, and plants..... | 4 pounds and under, 1 cent each 2 ounces; over 4 pounds, fourth class. (See under fourth class)..... | 8 ounces and under, 1½ cents each 2 ounces; over 8 ounces, fourth class. |
| | Merchandise..... | (See under fourth class)..... | 8 ounces and under, 1 cent each 2 ounces; over 8 ounces, fourth class. |
| Fourth..... | Books, catalogues, seeds, bulbs, cuttings, roots, scions, and plants..... | 8 ounces and under, 1 cent each 2 ounces; over 8 ounces, zone rates. | 8 ounces and under, third class; over 8 ounces, zone rates. |
| | Merchandise..... | 4 ounces and under, 1 cent each ounce; over 4 ounces, zone rates. | 8 ounces and under, third class; over 8 ounces, zone rates. |
| | Service charge..... | None..... | 2 cents on each parcel except those originating on rural routes. |
| | Special handling charge..... | do..... | 25 cents on each parcel. |
| SPECIAL SERVICES | | | |
| Money orders..... | For orders from— \$0.01 to \$2.50..... \$2.51 to \$5..... \$5.01 to \$10..... \$10.01 to \$20..... \$20.01 to \$30..... \$30.01 to \$40..... \$40.01 to \$50..... \$50.01 to \$60..... \$60.01 to \$75..... \$75.01 to \$100..... \$100.01 to \$100..... | 3 cents..... 5 cents..... 8 cents..... 10 cents..... 12 cents..... 15 cents..... 18 cents..... 20 cents..... 25 cents..... 30 cents..... 22 cents. | 5 cents..... 7 cents..... 10 cents..... 12 cents..... 15 cents..... 18 cents..... 20 cents..... 20 cents..... 25 cents..... 25 cents..... 25 cents. |
| Registered mail..... | Fee: \$50 indemnity..... \$100 indemnity..... | 10 cents..... 20 cents..... | 15 cents (minimum). 20 cents (maximum). |
| Insured..... | Return receipts; fee: Not exceeding \$5 indemnity..... Not exceeding \$25 indemnity..... Not exceeding \$50 indemnity..... Not exceeding \$100 indemnity..... | None..... 3 cents..... 5 cents..... 10 cents..... 25 cents..... | 3 cents..... 5 cents..... 8 cents..... 10 cents..... 25 cents..... |
| Cash on delivery..... | Return receipts; fee: Not exceeding \$10 collection..... Not exceeding \$50 collection..... Not exceeding \$100 collection..... | None..... 10 cents..... 25 cents..... | 3 cents..... 12 cents..... 15 cents..... 25 cents..... |
| Special delivery..... | Fees; no weight limit..... | 10 cents..... | 2 pounds and under, 10 cents; 2 pounds to 10 pounds, 15 cents; over 10 pounds, 20 cents. |

BOARD OF PUBLIC WELFARE, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, and, pending that, I ask unanimous consent that general debate be limited to one hour, one half to be controlled by the gentleman from Texas [Mr. BLANTON] and the other half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none. The question is on the motion of the gentleman that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. ZIHLMAN] is recognized for 30 minutes.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KELLER].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KELLER. Mr. Chairman and gentlemen, the bill before you creates a new public welfare board. That board is to be composed of five members. Those members are to be appointed by the Commissioners of the District of Columbia.

The bill also provides that the Commissioners of the District of Columbia may, upon the recommendation of this board, appoint a director, who shall have charge of all the welfare institutions in the District of Columbia.

At the present time there are three different boards. One board is called the Board of Charities, which has charge of nine welfare institutions. Another board is the Board of Children's Guardians, and it has charge of one institution. Still another is the board which has charge of the Girls' Training School. The bill carries out certain ideas to coordinate all these different boards to one board, and that board to have supervision of all of them, which beyond question would promote efficiency in the management of such an institution.

There is no opposition to the bill. It was reported by the committee by a unanimous report. It has been indorsed by the Commissioners of the District of Columbia, and has been indorsed by all welfare organizations interested in welfare legislation. There is, however, opposition coming from one source, and that comes from the board in charge of the Girls' Training School. They feel that that institution is a Federal institution and therefore should not come under a board under the control of the District of Columbia. But the facts are that the institution, when created, was created under the name of the District of Columbia. The institution is also financed out of appropriations derived from District of Columbia funds, and the inmates of that institution are practically all persons from the District of Columbia. Ninety-nine out of one hundred are from the District of Columbia. Therefore the committee thought that it should come under this board.

There is no question but that there will be very beneficial results from having one board. I hope that the House will pass this bill.

Mr. GIBSON. I wish to ask the gentleman a question before he finishes.

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. KELLER. Yes, sir.

Mr. GIBSON. I think the President in his annual message said something about the welfare board, did he not?

Mr. KELLER. He did.

Mr. GIBSON. Is this bill in conformity with the recommendations of his message?

Mr. KELLER. It is. Mr. Chairman, I yield back the remainder of my time.

Mr. ZIHLMAN. Mr. Chairman, may I ask the gentleman from Texas [Mr. BLANTON] if he has had any requests for time on this bill?

Mr. BLANTON. No. Does any one want time?

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BLANTON] for 30 minutes.

Mr. BLANTON. Mr. Chairman, there is one amendment that ought to be made to this bill, in my judgment, and I shall offer same at the proper time; and that is that no child shall be taken away from a parent against the parent's will on the ground of poverty.

We had quite an investigation by our committee, and we had a number of mothers to come before our committee and testify under oath that because the welfare ladies here looking after the matter thought they were not able financially to properly take care of their children, they took them away from them, took away their children against their will, when there was not any question of immorality involved at all; solely the question of alleged poverty. These mothers testified that they were able financially to take care of these children. My friend from Georgia, Judge CRISP, happened to be in there one day when some of them were testifying, and I know how he felt about it, and I know how others of us felt about it.

Mr. CRISP. Was not testimony adduced at that hearing that in some instances they were turning a child over from a mother, who was moral, to somebody else, who was of doubtful morality, and who was paid \$20 per month for the support of the child?

Mr. BLANTON. Yes. There were instances where they took children away from their mothers, and took them away because of alleged poverty, and then put them in another home where there was immorality, and paid the strangers

\$20 a month apiece for them. I am going to offer an amendment to stop it.

In view of the fact that the amount which the Government has to pay to the District of Columbia has been limited to \$9,000,000, and the District has to pay all the balance of its expenses of every kind, the expense connected with this legislation will not add anything to the burden of the Government; otherwise I would offer an amendment providing that the expense of this welfare board shall be paid solely out of the revenues of the District of Columbia, but that will be done and the Federal Government will not be taxed for it. With the foregoing amendment I believe the bill should be passed, and I shall vote for it.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CASEY. Is there any reason why this \$20 a month should not have been paid to the mothers of these children, leaving them in their homes with their mothers?

Mr. BLANTON. None whatever. It should have been done, and I hope the House will pass my amendment and require it to be done.

Mr. Chairman, I reserve the balance of my time.

Mr. ZIHLMAN. Mr. Chairman, there being no other speakers to address the House on the bill, I move that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

SEC. 5. The Commissioners of the District of Columbia, upon the nomination of the board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the board. All other employees of the board shall be appointed and discharged in like manner, as in the case of the director. The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I do this for the purpose of asking a question of the chairman of the committee. All legislation of this sort in the District is likely to be used as model legislation, and it is very important that we know exactly what it means. Here is a section about which we ought to know:

The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

Does the chairman have the figures of what the director will receive under that classification act as salary?

Mr. KELLER. About \$5,000. I think it runs from \$5,000 to \$5,800.

Mr. ZIHLMAN. I will say to the gentleman from Maryland that a somewhat similar position is now filled by the secretary of the Board of Charities. He acts as director of public welfare and he is classified in the grade from \$5,200 to \$6,000.

Mr. HILL of Maryland. So this really continues the present employee in practically the same position?

Mr. ZIHLMAN. Yes.

Mr. HILL of Maryland. Will the chairman of the committee tell us what are the other necessary employees.

Mr. ZIHLMAN. Further on in the bill we provide that the personnel of these various boards shall come under the jurisdiction of this board of public welfare. Those who are now employed by these various boards are set out in section 1; their grades are established by the classification act and their salaries are appropriated for in the District of Columbia appropriation bill. I can not tell the exact number, but we do not attempt to create any new positions; we simply provide that those who are turned over must be necessary.

Mr. HILL of Maryland. Could the chairman say about how much new expense is entailed by this bill?

Mr. ZIHLMAN. My own understanding is that there will be a considerable saving, because the merging of these boards will certainly render some of the employees unnecessary, and we specify that only those who are necessary shall come under

the jurisdiction of this newly created board, so I believe it will result in a saving.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 6. The board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The Workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) the Home and Training School for the Feeble-Minded, in Anne Arundel County, in the State of Maryland.

Mr. BLANTON. Mr. Chairman, I offer the following amendment:

On page 4, line 23, after the word "Maryland," strike out the period, insert a colon, and add the following proviso.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 23, after the word "Maryland," insert: "Provided, That no child shall be taken away from its parent against the parent's wish, except upon the grounds of immorality of such parent or parents."

Mr. ZIHLMAN. Mr. Chairman, I make a point or order against the amendment on the ground that it is not germane to the paragraph just read.

The CHAIRMAN. The gentleman from Maryland makes a point of order against the amendment. The Chair will be glad to hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the supervision of all children now in all of these various institutions is placed by this paragraph into the hands of the director of this new welfare board. The amendment has reference to all existing welfare and charitable boards and to the Gallinger Municipal Hospital; the Tuberculosis Hospital; the Home for the Aged and Infirm; the Municipal Lodging House; the Industrial Home School; the Industrial Home School for Colored Children; and the Home and Training School for the Feeble-minded. All of these institutions are homes where little children are now placed. They are taken there in some instances from the custody of the parents against the wish of the parents, and there are many of them in there now against the wish of the parents. Therefore this amendment is applicable to the paragraph. I want it to cover not only what may be done in the future but what already has been done with respect to the taking away of children from their parents and placing them in these institutions. The amendment is absolutely germane.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. I am in entire accord with the gentleman, and I would like to ask this for the RECORD: Are these all Government-owned homes or private homes being supervised by the Government?

Mr. BLANTON. Many of them are Government owned; some of them are privately owned, but this bill places them all under the supervision of the new welfare board, and they are placed under the direct control of this director of public welfare. In other words, they become the wards of the Government. The very minute we pass this bill every child in every one of these institutions becomes the ward of the Government, and we are responsible for them.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the Chair to the fact that this paragraph simply provides for the control and management of those institutions, and that the commitment of children and other persons to these institutions is taken care of by existing law, so that the language submitted by the gentleman from Texas, in an attempt to change existing law, is not germane to this bill.

Mr. BLANTON. I call the gentleman's attention to the last paragraph of this bill, which provides that all laws in conflict herewith are hereby repealed, and that is why I am trying to safeguard their interests. I am trying to repeal the existing laws under which they sometimes take little children away from parents unjustly without their consent, when the parents are moral people and they are prepared to take care of these little children. In no State is it permitted. There is no State

in this Union where an officer can come in and take a little child away from its mother when its mother is a moral woman and is prepared to take care of it. [Applause.] I think the most awful situation I ever heard of was presented by the testimony taken before this committee.

Mr. CRISP. Has the Chair made up his mind as to how he is going to rule?

The CHAIRMAN. If the gentleman from Georgia desires to state his position on the point of order, the Chair will be glad to hear him.

Mr. CRISP. I merely wanted to suggest that if the Chair's mind was not made up I would like to address the Chair in support of the amendment being in order under the rules of the House.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. CRISP. Mr. Chairman, it seems to me there can be no question but what this amendment is in order. This is a bill dealing with the right of social welfare control, and under this bill certain boards are created and a director of social welfare is provided for and jurisdiction conferred upon them to have supervision of certain children in the District of Columbia. The bill confers power upon these officials to take children under certain contingencies from parents and to turn them over to different persons to maintain and care for them, and they are also authorized to forcibly place these children in designated charitable institutions. This amendment simply puts a limitation upon the powers of these boards by saying they can not take any child from its parents in the District without the parents' consent, if the parents are moral, proper persons to rear the child, and it seems to me it is germane to the bill and clearly in order.

Mr. ZIHLMAN. Will the gentleman yield? I would like to ask a question.

Mr. CRISP. Certainly; I yield to the gentleman.

Mr. ZIHLMAN. The amendment offered by the gentleman from Texas is legislation dealing with the matter of commitment of children to these institutions, is it not?

Mr. CRISP. I think that is the object of the whole bill.

Mr. ZIHLMAN. Is there anything in the bill relating to the commitment of children?

Mr. CRISP. I am not familiar with the District laws, but, as I understand it, this bill simply changes the title of your public welfare officers, abolishes the Board of Charities, and substitutes this machinery in lieu of the other. It also confers upon these boards all the powers of the old boards and makes available for their expenses all the unexpended appropriations that these other boards have for the maintenance and care of children, and it seems to me it is clearly in order to consider this amendment, which is germane to the object of the bill. This is not an appropriation bill. On an appropriation bill legislation can not be in order unless it comes within one of the excepted rules, but this is not an appropriation bill. This is legislation dealing with the care of unfortunate children, with the right being conferred upon this board under certain circumstances to take these children away from parents and place them elsewhere.

While it has nothing to do with the point of order, I did happen to drop in the District of Columbia Committee rooms one day when they were holding hearings on this subject matter, and there was testimony to the effect that three children, some of them girls, were taken away from a mother of good moral character but poor, and there was no question whatever raised as to the mother's moral character, and the sole ground on which they were taken was that she was not able to support them. She did not live in a fine house. The mother worked and begged to be permitted to keep her children; said she was able to support them, and the children wanted to stay with her. This testimony was not disputed, but these three children were taken away from her and surrendered over to some other woman, and the other woman was paid out of charitable funds so much money per month—\$20 for each child—to support them. It seemed inconceivable to me that if they had a fund to pay for the care of children that the mother, who was a moral woman with a mother's love, should have been prevented from keeping her own children. [Applause.]

Mr. BLANTON. Mr. Chairman, in order to save time, I ask permission to withdraw the amendment. I will offer it after section 11. I did not know there was going to be any question raised by the gentleman from Maryland. I thought the gentleman wanted to save time this afternoon, and in order to do that, I will ask permission to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Texas is withdrawn.

There was no objection.

The point of order was withdrawn.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment, on page 4, lines 10 and 11, strike out the words "complete and exclusive control and management," and substitute the word "supervision."

I do this for the purpose of asking the chairman of the committee precisely what these words, "complete and exclusive control and management" mean.

As I understand it, a number of these organizations, such as the Home and Training School for the Feeble Minded in Anne Arundel County, and a great many other similar institutions, are private institutions, and I wish to be advised whether it is intended that these words shall mean what they say and that this board is to have complete and exclusive control and management rather than ordinary supervision.

Mr. KELLER. The gentleman is incorrect. All these institutions are Government institutions owned by the District of Columbia.

Mr. HILL of Maryland. They are all owned by the District of Columbia?

Mr. KELLER. Yes; every one of them.

Mr. HILL of Maryland. Then I withdraw my amendment, which was a pro forma one.

The pro forma amendment was withdrawn.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, section 6, which vests the control and management of various institutions in this new Board of Public Welfare contains a reference to the National Training School for Girls in the District of Columbia and at Muirkirk in the State of Maryland.

Some of the Members may recall that about two years ago I had something to say on the floor of the House in reference to the National Training School for Girls, some of its problems in the past, and the change in the way those problems were being handled under the new management.

A good woman who has since passed on—Mrs. Harding—when her attention was called to the National Training School for Girls and some of the conditions there, worked unceasingly until there was a change. The result was a new board and a number of new trustees. They have done most excellent work there. By reason of their activities and the co-operation of Congress an additional building was placed at Muirkirk and will be occupied some time this spring, as I am informed.

If this bill becomes law, those trustees, of course, will go out of office. It is purely honorary and the work is one of love and service.

Mr. Chairman, let me state that I think there has been a great deal of work put in on this welfare reorganization bill. Theoretically, the National Training School for Girls ought to be under the management of District of Columbia officials. While that is true theoretically, yet it is not going to work out practically unless those who have the appointing power as to this new board place on that board men and women who are sympathetic and who will pay some attention to the needs of these various institutions, and especially the National Training School for Girls. I hope when this new board is appointed, there will be placed upon the new board some one from among the trustees of the National Training School for Girls so that this work, which has been carried on so well during the past two or three years, may go on.

Mr. HILL of Maryland. The gentleman has touched upon a question that is very important in the management of institutions such as these. There has been a great deal of harm done on a perfectly good principle of coordinating the supervision and control. I would like to ask the gentleman, Would the passage of this bill do away with the personal supervision that has come from time to time by interested volunteer people and make the control of these organizations more hard-boiled and more bureaucratic?

Mr. NEWTON of Minnesota. I will say that there is no occasion for it doing that, but at the same time this must be borne in mind. Here we have a new board of five members that has control of all of these institutions. Unless there is the greatest kind of care taken by the commissioners in the appointment of the board they will not get on the new board men and women who have the time, the ability, and the inclination to do this kind of work. Theoretically this plan is all right, but it remains to be seen how it is going to work out in practice. If I thought it was impossible, and the fears of the gentleman would come true, I would not hesitate to move to take out one of these institutions from the section.

Mr. HILL of Maryland. In line 2 we have the Board of Charities in the District of Columbia. How many members are there on that board?

Mr. NEWTON of Minnesota. I am unable to state.

Mr. KELLER. Five.

Mr. HILL of Maryland. On the Board of Children's Guardians?

Mr. KELLER. Seven.

Mr. HILL of Maryland. On the Reform School for Girls?

Mr. KELLER. Nine.

Mr. HILL of Maryland. That is 21 persons now in charge of these charitable institutions who are to be superseded by five persons actually represented by one paid director. Of this board, except in extraordinary cases, the one paid director will attend to the whole thing. I should like to vote for the bill and I am open-minded, but I would like to ask the gentleman who has followed all of this whether he thinks it is wise to take away the supervision of 21 people, voluntarily interested, and make it five?

Mr. NEWTON of Minnesota. I do think, and I expressed a wish a year and a half ago, that something ought to be done in the District of Columbia to coordinate the work of the various welfare activities. Some volunteer advice and work were given the committee. I happen to know the man who was in charge of that—I have known him for years; he did excellent work in the State of Minnesota—and he has given the committee a great deal of help and advice. There ought to be this coordination, I am certain of that. We have lost much in the past because we have not had it. My words are those of admonition and caution to those who will appoint the new board, so that they will appoint the people who have the time and ability and the inclination to work rather than merely to hold office.

Mr. HILL of Maryland. Does the gentleman think it will be beneficial?

Mr. NEWTON of Minnesota. Yes.

Mr. WATKINS. I would like to ask the gentleman a question. In respect to what the gentleman from Maryland has just asked, is it not true, as far as the bill goes, that the control is given to the board? These people who are interested in these institutions will not be allowed of their own voluntary willingness to interfere in the management, unless the board wants to give them the right?

Mr. NEWTON of Minnesota. These boards that are going out, the gentleman means? They will go out of office on the passage of this legislation.

Mr. WATKINS. And after the passage of this bill, as far as the law is concerned, they will have no right or control or have any influence over these institutions?

Mr. NEWTON of Minnesota. They will have no right of visitation or anything of that kind.

Mr. HILL of Maryland. Section 6 provides that the board shall have exclusive control and management of the following institutions. Does not that mean—say, there is a board of 12 trustees on the workhouse; I do not know that there are—if the board decides that they do not want any trustees or board of visitors, under the language of the section they have the power to do away with it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Maryland. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLER. The gentleman is incorrect; the present law provides how they shall operate, and we do not change the present law. We simply give the new board the same power the old board had.

Mr. HILL of Maryland. I would like to ask the gentleman whether he would agree to an amendment on page 4, lines 10 and 11, changing the words "complete and exclusive control and management" to the word "supervision"? I understand that that is what it really means. The words "complete and exclusive control and management" have a definite meaning, and not what the committee desires. And I will ask the gentleman if he will agree to modify it and make it "supervision." Say that the board shall have supervision of the following institutions.

Mr. KELLER. We are giving them the same power they have now as a separate board, the same language is used in the old law that we provide in the new law.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment: Page 4, in lines 9 and 10, strike out the words "complete and exclusive control and management" and insert in lieu thereof the word "supervision."

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Page 4, lines 10 and 11, strike out the words "and exclusive control and management" and insert in lieu thereof the word "supervision."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. The superintendents and all other employees now engaged in the operation of the institutions enumerated in section 6 shall hereafter be subject to the supervision of the board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the director of public welfare. The superintendent and all other employees of each of the institutions enumerated in section 6 shall be appointed by the Commissioners of the District of Columbia upon nomination by the board and shall be subject to discharge by the commissioners upon recommendation of the board.

Mr. WATKINS. Mr. Chairman, I move to strike out the last word. Are these various institutions in the District of Columbia unanimously in favor of this bill?

Mr. KELLER. Yes. We have no opposition. Every organization in the District of Columbia that is interested in legislation along this line has indorsed this bill.

Mr. BLANTON. There is one that is opposed to it.

Mr. KELLER. I have none so far as I know. The District Commissioners have indorsed it, and Judge Siddons, who has charge of welfare work, has indorsed it. Every other organization interested in this sort of legislation has indorsed it. There has been some opposition on the part of the Girls' Training School on the ground that it is a Federal institution. After investigation we found that the institution was created in the name of the District of Columbia and that it is financed by appropriations out of the District of Columbia funds; that 99 per cent of the inmates in the institution are people from the District of Columbia. Therefore we felt that it is a District of Columbia institution and that the Federal Government should have nothing to do with it, and we have placed it under this board. The Attorney General first opposed putting the training school in the bill because he thought it was a Federal institution, but after he found out that it was financed by the District of Columbia he indorsed the bill as it is before you.

Mr. WATKINS. What institution is against the bill?

Mr. BLANTON. There is one ladies' organization that is against it, but I say to the gentleman that for a bill of this character there is less opposition to it than I think you can ever find to any similar bill. There are very many different institutions that are interested in it.

Mr. WATKINS. What institution is against it?

Mr. BLANTON. There is an organization that Mrs. Winter is connected with, and I think that organization is against it.

Mr. HILL of Maryland. There is an organization called the Mothers Council of the District of Columbia. Is that the one to which the gentleman refers?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Will not the gentleman's amendment that he is going to propose more or less take care of that?

Mr. BLANTON. I think the amendment that I propose takes care of 99 per cent of their objections.

Mr. KELLER. There is no question but that Mrs. Winter has a just grievance, but it is a question of law.

Mr. BLANTON. I think this bill is going to do good work.

Mr. KELLER. We have a bill before the District of Columbia Committee changing the laws governing the juvenile court. We have a bill before the committee for mothers' pensions, which I am in favor of, and we also have the question the gentleman suggested in a bill before the District of Columbia Committee. This bill is an organization bill, not a question of law at all. It is a question of creating an organization to operate under the present law, and I hope in the near future that we will be able to bring in legislation to care for all those referred to by the gentleman from Texas.

The Clerk read as follows:

SEC. 11. The following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To aid in the enforcement of laws for the protection of children and to cooperate to this end with the courts and all public and reputable private agencies. The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions as the welfare of the child may require. The board shall cause all of its

wards placed out under care to be visited as often as may be required to safeguard their welfare, and when children are placed in family homes or private institutions, so far as practicable, such homes or institutions shall be in control of persons of like faith with the parents or last surviving parent of such children; (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

The foregoing enumeration shall not be in derogation of any further powers and duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 8, line 4, after the word "Columbia" strike out the period, insert a colon, and add the following proviso, to wit: "Provided, That under the provisions of this act no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents, and where the father and mother are financially unable to care for the child or children, the mother shall be paid the same compensation for their care as would be paid to outsiders under the practice heretofore prevailing."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the amendment is not germane to this paragraph. I call the attention of the Chair to the fact that commitments to these institutions are made by the juvenile court of the District of Columbia. This bill relates entirely to care in institutions reformatory in nature, and to the House of Correction, and to the merging of the boards now controlling and administering these institutions into one board. It does not attempt to deal with the law providing for the commitment of children or other delinquents, and I call the attention of the Chair to the fact that this matter of child welfare has been gone into very carefully by the Congress, that many years ago the commitment of children was vested in the police court of the District of Columbia and that later certain powers were conferred on the Board of Children's Guardians. Now this power is vested entirely in the juvenile court of the District of Columbia, which has exclusive jurisdiction of children committing crimes under 17 years of age. This amendment seeks to change that law. It seeks to limit the power conferred by Congress upon the juvenile court. A bill amending the act creating the juvenile court is pending before the legislative committee which reported this bill. I am in sympathy with the object sought to be attained by the gentleman from Texas, but this is not the orderly or the proper manner of attempting to provide for the commitment of these children. This amendment has no place on this bill.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. BLANTON. Mr. Chairman, this amendment is certainly germane under the existing law. This bill is to take the powers and jurisdiction of all the various welfare boards which now operate in the District of Columbia and combine them into one board under one head known as the director of public welfare. It gives the director of public welfare and the new board all of the combined powers and authorities which are now exercised by all the various boards in Washington at this time. What is the situation here?

Mr. KELLER. Will the gentleman yield for one question?

Mr. BLANTON. I will yield.

Mr. KELLER. The present power is under the juvenile court, and what the gentleman is trying to do—

Mr. BLANTON. I know where the present power is. It is mainly in the Board of Children's Guardians. I know how these boards have been operating. I have heard some of their members testify. Mr. Chairman, some of these boards have access to and control of big funds, charitable funds, which are donated by charitable-minded people all over the country. This director of public welfare could have in the exchequer of his board quite a large sum of money that is contributed by charitable people in the country. Out of these funds they will pay to some stranger \$20 a month apiece for each child taken away from the parents. That is the present law. They can do that now. They can go out and take a child now from its mother when the mother is a proper person, when its mother is a moral woman, not one charge they will bring against her, not one except her poverty. They say she is not able financially to give this little child the kind of food and kind of clothing and the housing that it should have, and cold-heartedly they have taken little girls away from their mothers, put them in homes which were immoral, immoral to such an extent that little girls have become mothers in another

home. That is how badly some of them were treated, and the man who mistreated them was paid \$20 a month each for taking care of these little girls. That is the point I am trying to reach here. Why is it not germane? What is there about this bill that does not refer to the very subject matter that the amendment refers to?

Mr. BOYCE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BOYCE. May I inquire whether these various boards which are to be supplanted by this new board exercised the power of commitment without some judgment of a court?

Mr. BLANTON. They initiate the action, but finally get a commitment. Here is what they do: They sneak around into the homes and find children, and they then initiate action against them that culminates in a court judgment. They tell the court that these little children ought to be taken away from the mother, and they take these little children down here before the juvenile court and have them committed to them. This amendment, if you pass it, will stop it. If you pass this amendment the juvenile court will not continue to do that thing longer, because the board will not start the case.

Mr. McKEOWN. Do they give the mother the preference?

Mr. BLANTON. No; they do not give the mother the preference, because under the present law they are prevented from giving the mother any pay, but this same money they pay to somebody else.

Mr. RAKER. Under the present law, and this is simply—

Mr. ZIHLMAN. Mr. Chairman, I raise the point of order that the gentleman is not speaking to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas speak on the point of order.

Mr. ZIHLMAN. I make the point of order the gentleman is not confining himself to the point of order on this proposition.

The CHAIRMAN. The Chair is interested in hearing from the gentleman from Texas on the question of germaneness of the amendment and not upon the merits.

Mr. BLANTON. In other words, there are laws now which permit all of these various boards to take care of little children.

The CHAIRMAN. Does the gentleman from Texas state that the effect of the amendment would be to change the jurisdiction of the juvenile court?

Mr. BLANTON. Not at all, only indirectly. Here is the change. The juvenile court will not then pass on these children, because in cases where the mother is moral, but poverty stricken, the board will not initiate proceedings against them in court but will pay the same money to the mother, and not to a stranger.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Line 12 has this provision: "The board may make temporary provision for the care of children pending investigation of their status." If that does not give this board entire control of the children, what words could possibly do it?

Mr. BLANTON. The bill gives the board absolute control. There was an attempt a while ago by amendment to make it "supervision" and that was voted down. This gives absolute control of every destitute and delinquent child in the District, and they now take charge of these children in the District.

Mr. RAKER. Will the gentleman yield.

Mr. BLANTON. Yes; but the Chair may be ready to rule.

Mr. RAKER. He can withhold it for the moment.

The CHAIRMAN. The Chair will listen to the gentleman from California.

Mr. RAKER. Under the present law of the District of Columbia can any organization, that is, charitable organization or otherwise, outside of the juvenile court go to any home and legally take a child from that home?

Mr. BLANTON. They have gone to home after home and taken the children, and they were without any authority of law for it.

Mr. RAKER. It is not what they have done, but can they do it legally?

Mr. BLANTON. In my judgment they have done it both legally and illegally, and I am trying to stop it by this amendment.

The CHAIRMAN (Mr. Cramton). The Chair is ready to rule. The bill before the committee is "to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes," and it proceeds to abolish certain agencies and consolidate their work under one new agency to be known as the board of public welfare. It enumerates certain institutions which are placed under the control and management of this new board and provides for the

work of that board in connection with its supervision of these institutions and the supervision of those persons who come under its jurisdiction under the law, and it provides for certain powers and duties heretofore exercised by other agencies to be consolidated under this new board.

The amendment offered by the gentleman from Texas [Mr. BLANTON] provides, first, that no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents; and secondly, where the father and mother are financially unable to care for the child or the children the mother shall be paid the same compensation for caring for the child as is paid the outsiders heretofore under the practice prevailing; in other words, a mother's pension.

At the present time the bill before us does not apparently in any way touch upon the jurisdiction of any existing court. It does not apparently make any change whatever or touch upon the methods to be followed in committing individuals to the several institutions referred to, or in placing individuals under this board of welfare, except it may be the language referred to by the gentleman from Maryland [Mr. HILL] as to the temporary care of children pending an investigation as to their status. But that is only with reference to a temporary care, not with reference to any permanent care, while the amendment offered by the gentleman from Texas is addressed directly and entirely to a permanent disposition of the child.

Mr. BLANTON. Will the Chair permit an inquiry?

The CHAIRMAN. Very briefly.

Mr. BLANTON. Suppose this director of public welfare should attempt to take the Chairman's child away from him temporarily. Is not that just as much an invasion of the rights of a home as if they sought to do it permanently?

The CHAIRMAN. If the gentleman's amendment were addressed solely to the restriction upon the temporary taking of children, his question might be of importance. But his amendment is not restricted to that.

Now, the law provides that—

No person under 17 years of age shall hereafter be placed in any institution supported wholly or in part at the public expense until the fact of delinquency or dependency has been first ascertained and declared by the said juvenile court. All children of the class now liable to be committed to the Reform School for Boys and the Reform School for Girls shall hereafter be committed by the juvenile court to said schools, respectively. All other children delinquent, neglected, or dependent (with the exceptions hereinbefore stated) shall hereafter be committed by the juvenile court to the care of the Board of Children's Guardians, either for a limited period of probation or during minority, as circumstances may require, and no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of the said court.

The bill has nothing whatever that is making any change in the jurisdiction of any court with reference to these matters. The amendment of the gentleman from Texas proposes a restriction that would affect the jurisdiction of those courts. It even goes so far as probably to nullify the jurisdiction of any court to commit an individual to the Home for the Feeble-Minded because of mental defectiveness, unless moral delinquency of the parents also could be shown.

The second provision is clearly introducing the question of a mother's pension. There is nothing in the bill making any provision as to payments to be made to parents or anyone else for the care of these children.

Mr. BLANTON. Mr. Chairman, will the Chair permit a question?

The CHAIRMAN. Yes.

Mr. BLANTON. That is the present law, that they, out of this charitable fund that they receive, can pay \$20 a month per child to outsiders to take care of the child, but not to the mother. This is only in a case where, instead of paying that money to an outsider to take care of the child, they could pay that money to the mother?

The CHAIRMAN. How far the Committee on the District of Columbia could have gone in framing this bill to make it a universal welfare code for the District of Columbia is a question that we need not attempt to answer here. The committee have elected to restrict this bill to certain lines; and in the judgment of the Chair the amendment of the gentleman from Texas is not germane to the section for the reasons stated, and the point of order is sustained.

Mr. BLANTON. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WINGO. Mr. Chairman, I want to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, I want the committee as well as the chairman to answer me this question: What do the lines 5 to 8, on page 8, mean? I would also like to ask that question of the chairman of the committee. They read as follows:

The foregoing—

That refers to the enumeration of powers which the gentlemen have been discussing and to which the amendment is offered—

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Children's Guardians, and—

Not "but"—

And such powers and duties are hereby vested in the board—

In small letters, indicating the board created by this act, not the Board of Children's Guardians.

Now, I have an idea that what the committee had in mind is the opposite to what the language in the bill conveys. There is no question about that, and I challenge any lawyer to contradict it. I want to find out whether I am in error in suspecting that they intended just the opposite to what is provided in the bill, because it would have an effect upon the point of order. If the language means plainly what it says, then it will affect this point of order.

Now, let us analyze it. It says:

The foregoing enumeration shall not be in derogation—

Of what? The powers referred to in the preceding paragraph? Oh, no—

of any further powers or duties now vested by law in the Board of Children's Guardians—

And then the word used is "and" and not "but"—

And such powers and duties are hereby vested in the board.

What powers and duties? What do they relate back to? What are such powers and duties? Are they the powers and duties enumerated and last referred to? If so the bill specifically provides that they shall be vested in the board that is created by this act. Now, is that true?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. NEWTON of Minnesota. I am not a member of the committee, but it is my idea from a reading of the words "and such powers and duties" that the word "such" applies not to the powers enumerated in this bill but to the powers that are vested by law and that are not specifically enumerated in this bill.

Mr. WINGO. If that had been meant would the word "but" have been used and not the word "and"?

Mr. NEWTON of Minnesota. Not at all.

Mr. WINGO. Yes; that word would have been used.

Mr. NEWTON of Minnesota. Certainly not.

Mr. WINGO. You would have said, "the foregoing enumeration shall not be in derogation of the powers" of what? Of the Board of Children's Guardians?

Mr. MOORE of Virginia. The gentleman will find the same difficulty at the top of page 7.

Mr. WINGO. For illustration, at the top of page 2, where you have the general delegation of powers, I find—

There is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1 and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards.

Then on page 7 you specifically provide:

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Charities, and such powers and duties are hereby vested in the board.

Now, you have the same provision with reference to the Board of Charities and you have the same provision with reference to the Board of Children's Guardians, and you say that those duties shall be vested in the board, and you use a small letter in spelling the word "board," and that must have reference to the board covered in this bill. I will ask the gentleman to explain that to me.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ZIHLMAN. Section 11 sets forth certain duties imposed upon the Board of Children's Guardians and enumerates them, but not all of them. Then it is provided:

The foregoing enumeration shall not be in derogation of any further powers.

What are the further powers? Here is the act creating the Board of Children's Guardians:

That the board shall be the legal guardian of all children committed to it by the courts, and shall have full power to board them in private families.

That is one of the further enumerated powers—to board them in institutions willing to receive them."

That is, institutions other than those owned by the District government.

To bind them out or apprentice them, or to give them in adoption to foster parents.

Those are some of the further powers.

Mr. WINGO. Are those some of the powers that are not enumerated in section 11?

Mr. ZIHLMAN. They are.

Mr. WINGO. Now, you say that the powers which are enumerated in section 11 shall not affect the further powers that are named in the statute which you have just read, but that such further powers, which you have just read, shall be vested in the board. What board? By all rules of legal interpretation the board you are creating by this act. Now, I contend that the amendment referred to is properly in order because it covers the very identical question in one of the paragraphs you have just read.

Mr. ZIHLMAN. I will say to the gentleman that the point of order is not leveled against that point but because the amendment has to do with the question of commitment, taking the power of commitment away from the juvenile court, where it is now lodged by law, and putting a limitation upon the powers vested in the juvenile court. I want to say to the gentleman that we are dealing with child-caring institutions.

Mr. WINGO. But the gentleman overlooks the fact that the powers he read cover these same powers, and the phrase he refers to is a legal phrase.

Mr. ZIHLMAN. I said commitment by the courts.

Mr. WINGO. But if you give this board the power to bind a child out you vest in the board the same power the court now has to commit a child to any home. In one instance you vest the power in a court and then by another name you vest the same power in a board, a power that is specifically given to the court. You can not escape that conclusion when you say that this board shall be authorized to bind out children and put them in certain custody. That is another way of saying they can commit them just like a court. It has the same effect.

The effect is the same in having them committed by the court and put in charge of certain institutions or families and giving the board the power to bind them out and place them in certain institutions or families. The effect is the same, although one is called a commitment by the court while the other is an order of the board. There is no difference.

Mr. ZIHLMAN. I call the gentleman's attention to the language of the amendment, which provides that no child shall be taken from its home; it does not provide for commitment by the court.

Mr. WINGO. The bill provides for the commitment of children to homes or families, and is it not germane to have another provision with reference to that?

Mr. ZIHLMAN. I do not think so, because the amendment says, in substance, that no court can take a child from the home unless—and then it lays down the specifications under which that can be done.

Mr. CRISP. That goes to the merits of the amendment.

Mr. WINGO. Yes; that goes to the merits of it. If you have given this power by inference, as I contend, by the language you have just read, is not that in conflict with the general powers of the court, and if that be true has not the committee itself by that very language brought that into question? But even if it had not, if the gentleman undertakes to say that "such other powers" that are referred to here and specifically vested in the board, shall be exercised in a certain way, that does not vitiate this amendment.

Mr. ZIHLMAN. If the gentleman's amendment had read, "any child committed by a court," and then had gone on and stated certain specifications, the amendment would be in order.

Mr. WINGO. No; because this power that the court now has you say here shall specifically be vested in the board.

Mr. ZIHLMAN. After they are committed by the court.

Mr. WINGO. I am probably in error, but I do not thus interpret the language used.

Mr. ZIHLMAN. That is what the law now provides.

Mr. KELLER. We do not enact any new law but simply transfer certain powers.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. BLANTON. Gentlemen, you are to pass upon and finally settle this appeal I have made from the decision of the Chair, and before you do that I want you to understand that there never has been a child taken away from its parents in the District of Columbia except by action initiated by this Board of Children's Guardians. They are the ones that start the proceedings. They are the ones that cause the child to be taken, and I will tell you how they do it. They go to a home and find out where the children are, and find a poor mother distressed and helpless, and they take steps, through a court, it is true, to take that child away. They imagine that the child is not getting enough to eat. Instead of giving their charity money to the mother and let her keep her children, they file proceedings, take the child away, and pay a stranger \$20 per month to keep it.

I hope, therefore, that you colleagues who favor my amendment will vote not to sustain the Chair's decision, but will vote "No" in favor of my appeal. I am trying to stop the initial action being taken by them that ends in the child being taken away from its parents, and if you will not sustain the Chair, and will pass this germane amendment which I have offered that they shall not take them, but must pay the money to the mother, there will not be any action before a court, because their hands will be tied in the beginning.

The present law permits the Board of Children's Guardians to go into a home and take the child and farm it out to somebody. We had before us some little children who were farmed out to some parties living in the country, and they were required to get up before day and milk cows and do the farm work and plow all day or haul logs all day, and they testified that they ate at a separate table, and that although it was on a farm, they had chicken to eat about once a year. They were treated very harshly, and whipped so that they ran away from the farmer's house.

This board can take the child and pay somebody else \$20 a month out of a fund which they have to take care of the child, but they say they have not any law to pay that money to the mother. The only change in the law I have proposed is to give them that authority and, instead of paying this \$20 a month, where the mother is impoverished, to somebody else, to pay it to the mother where she is not able financially to take care of them.

This bill deals with the whole subject of the general welfare of children and changes every single law we have except the juvenile court law, which is a separate proposition entirely. If you pass this amendment, we will not have any trouble about the children, because the board will not initiate these proceedings in court which result in a child being taken away from its parents, because they will be estopped by the provisions of this proposed law.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. HILL of Maryland. According to the language in lines 14 and 15 on page 7, this board has the following power: "to have the care and legal guardianship of children who may be committed by courts." They can do anything they please with any child. They can commit it back to its mother, or they can commit it to anybody else, absolutely. It makes them absolute guardians of them.

Mr. BLANTON. Yes; that is true. And if you will look at the clause that the gentleman from Arkansas [Mr. WINGO] called attention to, it gives this board every power that this Board of Children's Guardians now has, and one of those powers is to farm out little children to some one else, and another power is to pay somebody else to take care of the children, instead of paying the money they have for that purpose—lots of which has been donated by charitable-minded people for the benefit of the children—to the mother. They will not let it be paid to the mother, but pay it to somebody else, and I am trying to get that law changed, which is not applicable to the juvenile court, but is applicable to the Board of Children's Guardians.

Mr. BOYCE. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BOYCE. Does the gentleman know of any law whereby any one of these boards that are to be superseded by this new board has the power to farm out these children as the gentleman states?

Mr. BLANTON. The gentleman from Maryland [Mr. ZIHLMAN] read you that law a few minutes ago. The board that now has the power is the Board of Children's Guardians. They not only now have the power by law but they have been doing that for years.

Mr. HILL of Maryland. Absolutely.

Mr. BOYCE. Read the law.

Mr. BLANTON. Will the gentleman from Maryland [Mr. ZIHLMAN] read that code again? I have not it before me.

Mr. HILL of Maryland. The gentleman from Maryland [Mr. ZIHLMAN] has the law which was just read. The law provides for that and this bill perpetuates it.

Mr. BLANTON. The gentleman from Maryland [Mr. ZIHLMAN] will not deny they now have the power to farm them out and to pay others \$20 per month to care for them, and the gentleman from Maryland has just read it from the code.

Mr. BOYCE. These boards, so far as I have any understanding in relation to them, have no such power under the law.

Mr. BLANTON. The gentleman is mistaken. They have it now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that debate on the pending appeal be closed in five minutes.

Mr. LAGUARDIA. Mr. Chairman, I desire to be recognized.

Mr. McSWAIN. I object. I want to be recognized, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, I move that debate on the pending appeal close in 10 minutes.

Mr. RAKER. Will not the gentleman make it 15 minutes? I would like to have five minutes.

Mr. CHINDBLOM. Mr. Chairman, I would like to inquire whether some one supporting the decision of the Chair will have an opportunity to speak. So far all of the speeches have been in support of the point of order.

Mr. RAKER. I would like five minutes in support of the ruling of the Chair.

Mr. LAGUARDIA. I would like five minutes in opposition to the ruling of the Chair.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland [Mr. ZIHLMAN] that all debate on the pending appeal close in 10 minutes.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 52, noes 34.

So the motion was agreed to.

Mr. CHINDBLOM. I would like to ask the gentleman from Texas [Mr. BLANTON] whether the gentleman's amendment will prevent this board in all cases from doing the things of which he complains?

Mr. BLANTON. Yes; it will.

Mr. CHINDBLOM. Not only under the provisions of this bill but under the provisions of the present law?

Mr. BLANTON. Yes; it will stop them from initiating proceedings.

Mr. CHINDBLOM. Then, Mr. Chairman, under the interpretation of the gentleman's own amendment, I submit that it is the duty of the committee to support the Chair. I trust that in sitting upon an appeal from the decision of the Chair we shall consider the parliamentary question and not the merits of the issue itself.

Mr. RAKER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. RAKER. Take subdivision page 8, lines 5 to 8, and referring it to section 11, I will ask the gentleman if all in that section is not summed up in these words: That the powers and duty now vested by law in the Board of Children's Guardians shall be and hereby are vested in the board created by this act? Is not that all there is in the whole section?

Mr. CHINDBLOM. Section 11, paragraph b, provides that the board shall have the care and legal guardianship of these children only when committed to the board by the court. The gentleman from Texas has just admitted in answer to my query that he construes his own amendment to mean that the board shall have jurisdiction in all cases; that his amendment shall apply to all cases.

Mr. BLANTON. Oh, no.

Mr. CHINDBLOM. That is what I asked the gentleman.

Mr. BLANTON. The gentleman got his words mixed up so that I did not understand.

Mr. CHINDBLOM. Now, who is there in this committee who will say that the second section of this amendment is at all germane to anything in the bill?

Where the father and mother are financially unable to care for the children, the mother shall be paid the same compensation for their care as would be paid to outsiders under the practice heretofore prevailing.

That is nothing but a provision for a mother's pension.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. MOORE of Virginia. Is there anything to that effect in any previous law?

Mr. CHINDBLOM. I do not know, but it is not germane to this law.

Mr. WINGO. I want to say to the gentleman that there is. I presume the gentleman wants to arrive at what the law is. The language was quoted a while ago at top of page 8: "Any further powers or duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board." That means the powers and duties of the Board of Children's Guardians, other than those incorporated above. I have before me the statute in reference to the powers and duties of the Board of Children's Guardians. I will read the language. The first part covers children that are committed by the court. The second does not say anything about the court:

All children who are destitute of suitable homes and adequate means of earning an honest living, all children abandoned by their parents or guardians, all children of habitually drunken or vicious or unfit parents, all children habitually begging on the streets or from door to door, all children kept in vicious or immoral associations, all children known by their language or life to be vicious or incorrigible whenever such children may be committed to the care of the board by the police court or the criminal court of the District.

In other words, "such powers vested in the board"—the word "board" refers to the board created by the bill. And one of the powers is to decide how the children may be cared for.

Mr. CHINDBLOM. My good friend will not deny the proposition that the effect of this language will be to change the jurisdiction and the power of the juvenile court.

Mr. WINGO. No; what I read was cited by the gentleman from Maryland [Mr. ZIHLMAN] as the Board of Children's Guardian law. It probably has been amended.

Mr. LAGUARDIA. Mr. Chairman, I desire to call the attention of the committee to the parliamentary aspects of the pending appeal. I am in favor of the amendment but shall not discuss the merits. This is a legislative bill, and I am sure that Members will agree that a greater degree of latitude must be allowed on the question of germaneness of an amendment to a legislative bill than on an appropriation bill. If the ruling of the Chair is sustained it will have a tendency to further curb the privilege and possibility of amendment on the floor of the House. The gentleman's amendment is to a section that gives power to the board to place a child in a family instead of an institution, and clearly if the section gives authority to this board to place a child in an outside family, paying for its board, an amendment which authorizes the board to keep the child in its own family and pay the same amount is germane. Clearly when it provides in this very section for the care of these children, and payment for the care of the children in a strange family, an amendment providing for the payment to their own family where the family is destitute is clearly germane to the section.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. This can not possibly create anything like a mother's pension, because the bill says, "Provided, That under the provisions of this act," and it would relate to the old act.

Mr. LAGUARDIA. Exactly. All it does is to define the powers of this board in placing a child, first, if the parents are moral; then the first care belongs to the natural parents of the child. In the event that there is immorality or improper guardianship then the child goes to another family. If this amendment is not germane then we further tend to curb and limit the use of amendments from the floor of the House.

This is a legislative bill and not an appropriation bill, and I submit that we have a greater degree of latitude on the question of germaneness. It is no disrespect to the present occupant of the chair to overrule his decision. I appeal to my

colleagues who believe in the freedom of amendment from the floor of the House to overrule the decision of the Chair. Clearly, if this amendment is not in order, then the privilege of amendment is further curbed. The gentleman's amendment deals with two subjects, one, financial assistance to destitute families where there is no question of improper guardianship, and limiting the powers of commitment to an institution. Both of these subjects are specifically provided in section 11, to which the amendment of the gentleman from Texas is offered.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair being in doubt, the committee divided; and there were—ayes 40, noes 52.

So the decision of the Chair was overruled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. ZIHLMAN. Mr. Chairman, I desire to be heard briefly on this subject. As I remember the language of the amendment, it provides that no child shall be taken from any home unless it is shown that the parents are immoral, or words to that effect, and it, in effect, sets up a system of mothers' pensions as applied to indigent parents.

Mr. STEVENSON. I understood from any home where they are able to maintain it.

Mr. ZIHLMAN. This amendment does not specify anything but that no child shall be taken from the home against the wishes of its parents unless it can be shown that they are immoral. I am not prepared to say how far that amendment goes, but it seems to me that it interferes with the authority of the juvenile court, which is charged with the administration of laws against delinquent children. If that is not correct, then I wish some of the lawyers would inform us as to that. I am in thorough sympathy with the idea expressed by the gentleman from Texas and what he is trying to obtain by this amendment, but I do not believe that this is the place to legislate upon that subject. The legislative committee has a bill before it now dealing with the powers of the juvenile court, and the committee should be given an opportunity to go into this matter thoroughly. I contend that this language does invade the jurisdiction of the juvenile court.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. JOHNSON of Washington. Before the committee votes on this it ought to know something about the experience of States that have this pay-the-mother system. This board of juvenile guardians deals with 1,600 children a year. It costs quite a sum of money. A person would be surprised to know the number of parents in desperate circumstances, sometimes with children that are poorly born, who will try to get them placed out to get the \$20 into their hands as proposed by this amendment. I doubt very much the wisdom of it. I wish the members of the committee had time to read the hearings before the Committee on Appropriations. These children are put into the hands of relatives wherever possible.

Mr. BLANTON. Mr. Chairman, I want to answer the gentleman, in the time of the gentleman from Maryland, that this does not apply to any new fund; it does not provide a mothers' pension; it affects only the fund they now pay out to somebody else. It does not enlarge it at all.

Mr. JOHNSON of Washington. We are dealing with children. Here it tells of a hundred little syphilitic children per year.

Mr. BLANTON. I predict that there will be much less paid out under this provision than under the present system.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BOYCE. Will the gentleman yield?

Mr. ZIHLMAN. When the gentleman reads the existing law I wish he would cite something for my information as to how this affects the children who are to be committed by the courts—

Mr. BOYCE. Mr. Chairman and gentlemen of the committee, the gentleman from Arkansas [Mr. WINGO], as I understood him, relies upon an act passed July 26, 1892, giving powers and jurisdiction to the Board of Children's Guardians. On March 19, 1906, many years after the act to which I have just called the attention of the committee, there was passed an act creating the juvenile court in and for the District of Columbia, and vested in that court all the powers and jurisdiction which were originally vested in the Board of Children's Guardians.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. WINGO. I ask that the gentleman may have five minutes more, so that the gentleman can complete his statement.

The CHAIRMAN. Does the gentleman from Delaware ask for recognition?

Mr. BOYCE. I do not wish to consume the time of the committee, and I think I have said all that is necessary; but if I had more time—

Mr. CHINDBLOM. Does the gentleman yield?

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. CHINDBLOM. For one question. Is that the last legislation on the subject, does anybody know?

Mr. BOYCE. I have not had time to fully examine. I am satisfied, so far as I have been able to examine, that the act of 1892 has been superseded by the act of 1906. Under section 8 of the act of 1906, creating the juvenile court, the said court is given all the powers and jurisdiction conferred by the act entitled "An act for the protection of children," and so forth, approved February 13, 1885, upon the police court of the District of Columbia; and also the said juvenile court is invested with the powers and jurisdiction conferred by the act entitled "An act to provide for the care of dependent children in the District of Columbia, creating the Board of Children's Guardians," approved July 26, 1892, including the acts amendatory thereof. So that it seems to me, from the hurried examination which I have been able to make, that the powers and jurisdiction of the Board of Children's Guardians have been unmistakably vested in the juvenile court by the act of 1906.

Mr. WINGO. Mr. Chairman, so my friend from Delaware will understand, I simply took the statute cited to me by the gentleman from Maryland, and I think it is obvious that law has been superseded, but that is a moot question so far as this amendment is concerned.

Mr. BOYCE. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. BOYCE. Now, I am in full sympathy with the amendment and wish I thought it was germane to this act—

Mr. WINGO. The committee has decided that.

Mr. CHINDBLOM. Will the gentleman yield? The gentleman says this is a moot question; it is settled.

Mr. BOYCE. It was settled wrongly, in my opinion. The difficulty which I have had in reaching a conclusion is that in section 1 of the bill under consideration certain boards are named and they are to be superseded by a single board named in this act; that is, the Board of Public Welfare, which latter board is to be given all the powers, authorities, property, and all the duties and functions heretofore vested in or imposed by the law upon the boards mentioned in the first part of the act.

Mr. WINGO. Now, that may be true. Gentlemen, I want to submit this to the committee. Let us see what the amendment is. It has been decided by a vote of the committee to be germane, and I think correctly. What does the amendment do? That is what we want to vote on.

Now, let us see. I have the amendment before me. It reads:

Provided, That under the provisions of this act no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents, and where the father and mother are financially unable to care for the child or children the mother shall be paid the same compensation for their care as would be paid to the outsider under the practice heretofore prevailing.

Gentlemen, listen. You can not challenge the fundamental proposition that where the home is moral that is where the child ought to be. [Applause.] Why, gentlemen, this new philosophy that seeks to take children from the influences of home and from the direct care of the mother and farm children out would have robbed this Nation of an Abraham Lincoln. [Applause.] A home may have a dirt floor, and, as some people who came before this committee testified, the paper may be hanging in shreds on the wall; but where the mother is there that child should be kept. [Applause.]

If there is anything that makes my blood boil, it is the activity of these well-meaning, yet misguided, people who think the State can create some kind of civil institution that is superior to a mother's care. As long as that mother is virtuous and honest, however poor that home may be, the child ought to be kept in the mother's care. [Applause.]

Gentlemen, if you had this provision now enacted into law, there would not have occurred that tragedy in this city which was reported in this morning's papers, where a poor woman with two children, finding the tides of life pressing upon her too heavily, took her own life and that of her children so that they should not become dependent or placed in the care of anyone else. We would do better, perhaps, even to waste some of the money of the taxpayers and incidentally give pecuniary help to worthless and shiftless mothers rather than take one child from a worthy mother simply on account of poverty. You

should pay this \$20 a month that is now paid outsiders to a mother who is honest and virtuous if she is financially unable to maintain her child without that help. [Applause.]

Mr. UNDERHILL. Mr. Chairman, that was a beautiful speech [applause], but the present applause is intended to be derisive as well as enthusiastic.

Mr. UPSHAW. No; genuine; sincere.

Mr. UNDERHILL. But the speech does not touch the real situation. The gentleman from Arkansas [Mr. WINGO], together with myself, voted against the child-labor amendment at the last session [applause], and we did so in the belief that the proper place for the childhood of the Nation is in the mother's care and keeping. But what are you doing in this amendment? You are providing that the only ground whereon a child can be taken from its mother is on the charge of immorality. That is the thing you are doing. But what is the result? You are placing a stigma on every child taken from its mother—

Mr. ROMJUE. Will the gentleman yield?

Mr. UNDERHILL. No; I regret I can not.

Mr. ROMJUE. What other grounds would you assign?

Mr. UNDERHILL. Even if there were no other grounds, it is often wise to dissemble. It is no disgrace to be poor. It is to be immoral. If you say that the reason you are taking a child away from its parents is because the parent is unable to care for it, that is much better than to have the child held up to ridicule and scorn by his schoolmates, because, unfortunately, the child animal is too often thoughtlessly cruel.

I believe in the mother's pension. It is a law in my State. It has worked well. I hope to see it established here. But I do not believe you should read into this bill or any bill a provision that will make a child an outcast among the rest of the children because of the fault of the parent. This may not be the legal viewpoint to take of it. It may not be the "sob-sister's" idea of it, but it certainly is practical. I have had some experience along this line myself.

Previous to my coming to Congress, for five years I was president of the associated charities of my city. What we try to do is to protect the child and not talk a whole lot about the mother's failings. Some of them are really unworthy to have children and unfit to have children, so it is sometimes wise to take a child away from its mother and put it into other environment. In the hearings before this committee, not only this year but in other years, it has been shown conclusively that the Board of Children's Guardians and the juvenile court have been active in protecting the children in every instance rather than catering to a lot of sensational sob-sisters or sensation-seeking societies and newspapers in the District.

These are the facts in the matter, and if you want to cast a reflection or stigma upon every child who is unfortunate enough to be taken from its parent and placed in a school or placed in the charge of somebody chosen by the juvenile court, go ahead and do it by adopting this amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close at the end of five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland that all debate upon the pending paragraph and all amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. HILL of Maryland) there were—ayes 75, noes 8.

Mr. HILL of Maryland. Mr. Chairman, I object to the vote on the ground that there is no quorum present.

Mr. CHINDBLOM. Mr. Chairman, a point of order. No objection can be made to the vote. The point of order is whether there is a quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is not a quorum present. The Chair will count.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Maryland withdraws his point of order of no quorum, and the motion of the gentleman from Maryland [Mr. ZIHLMAN] to close debate on the pending paragraph and all amendments thereto in five minutes prevails.

Mr. BLANTON. Mr. Chairman, I ask recognition as a member of the committee.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the gentleman from Maryland [Mr. ZIHLMAN] made his motion in contemplation of the request of the gentleman from Virginia [Mr. MOORE] for five minutes' time.

Mr. BLANTON. Mr. Chairman, I am a member of the committee. This is my amendment and I have not yet spoken on it.

Mr. CHINDBLOM. The gentleman from Texas has spoken on his amendment, both on the point of order and the amendment itself.

Mr. BLANTON. I have not risen on the amendment at all. The gentleman from Arkansas [Mr. WINGO] was recognized. I have not spoken on the amendment at all.

The CHAIRMAN. It is the recollection of the Chair that the gentleman from Texas has not spoken directly upon the pending amendment, and the Chair therefore feels obliged to recognize the gentleman from Texas for five minutes.

Mr. BLANTON. Mr. Chairman, I want to use but two minutes, because there are other gentlemen who want to be recognized. I will ask the Chair to stop me in two minutes.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, this amendment will not interfere at all with the criminal laws of the District. If a child is criminally incorrigible or if a child is committed for a crime, the criminal laws of the District amply provide for such cases. This amendment does not interfere with that at all. If a child is insane, the other laws of the District relate to it. If there is insanity afflicting the parents or some contagious disease present, the health and other provisions of the District laws relate to it.

This amendment only applies to cases where the Board of Children's Guardians has been in the habit of taking children away from mothers because of alleged poverty of the mother herself. It just changes that provision and requires them before they take a child from a mother to show immorality on the part of the mother, so that the child can not be taken away from its mother because of poverty.

Then the amendment also provides that the funds, most of which have been supplied by charitable persons, shall be paid to the mother of the child—the \$20 a month—instead of to somebody else. The amendment provides that they shall have the right to take that charitable money and pay it to the mother for the care of the child. That is all my amendment does, and it does not interfere, as I say, with any of the criminal laws of the District.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HILL of Maryland. Mr. Chairman, as I understand it, there are three minutes remaining which may be applied to subsequent amendments to this paragraph.

The CHAIRMAN. Yes; if the time is not consumed at this time.

Mr. HILL of Maryland. I have an amendment to offer and I want to speak briefly on it.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment as a substitute for the amendment of the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Virginia offers an amendment as a substitute for the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia as a substitute for the amendment offered by Mr. BLANTON: Page 8, line 4, after the word "Columbia" insert: "Where the child is taken from the custody of its parent or parents because they are financially unable to care for the child, the mother shall be paid the same compensation for its care as would be paid an outsider under the practice heretofore prevailing."

Mr. BLANTON. I accept that amendment, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, the committee will accept that amendment.

Mr. STEVENSON. Mr. Chairman, as I understand it, the proposed amendment provides that you can take the child and pay the mother, too.

The CHAIRMAN. Without objection, the Clerk will report the amendment as corrected by the gentleman from Virginia [Mr. MOORE].

The Clerk read as follows:

Modified amendment offered by Mr. MOORE of Virginia: Page 8, line 4, after the word "Columbia," insert: "Where a child would otherwise be taken from the custody of its parent or parents because they are financially unable to care for the child, the mother shall be paid the same compensation for its care as would be paid an outsider under the practice heretofore prevailing."

Mr. BLANTON. Mr. Chairman, I am willing to accept that amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to accept the amendment of the gentleman from Virginia. Without objection, it is so ordered.

There was no objection.

Mr. ZIHLMAN. The committee is willing to accept the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLANTON] as modified by the substitute offered by the gentleman from Virginia [Mr. MOORE].

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: Page 7, line 23, strike out the words "so far as practicable."

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, these words, in view of lines 5, 6, and 7, on page 9, would seem to be contradictory. Those lines on page 9 provide as follows:

Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parent.

I am entirely in favor of that, and so is the committee; but on page 7 you have a provision as follows:

The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare, and when children are placed in family homes or private institutions, so far as practicable, such homes or institutions shall be in control of persons of like faith with the parents or last surviving parent of such children.

In other words, gentlemen, you have in section 13 a mandatory provision covering the whole bill which definitely says that these children must be placed in homes of the same religious faith, and in the words I call your attention to in section 11 you give the same direction, but say "as far as practicable," and I submit they are contradictory, and I hope the committee will agree to my amendment.

Mr. McSWAIN. Will the gentleman yield?

Mr. HILL of Maryland. I yield.

Mr. McSWAIN. Suppose the parents of the child belong to some little religious cult that has not any representation in the institutions of the city or have not any religious faith at all, what are you going to do about that?

Mr. HILL of Maryland. This applies entirely to homes and not to institutions.

Mr. CHINDBLOM. It applies to private institutions.

Mr. ZIHLMAN. Does not the gentleman think we should allow some discretion to the board and not make it mandatory? The words "so far as practicable" seemed to meet the situation.

Mr. HILL of Maryland. You make it absolutely mandatory by the language on page 9, and it seems to me the two provisions are absolutely in conflict. On page 9 you say—

except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religion as the parents.

This is a clear and definite as well as proper provision. However, by the words I seek to strike out in section 11, you create doubt and qualify the above provision. You say "when children are placed in family homes or private institutions, so far as practicable, such homes shall be in control of persons of like faith with the parents or last surviving parent of such children."

I hope you will take away the doubt here created and by adopting my amendment strike out the words "so far as practicable."

The CHAIRMAN. The time of the gentleman from Maryland has expired. All time has expired. The question is on the amendment offered by the gentleman from Maryland [Mr. HILL].

The question was taken; and on a division (demanded by Mr. HILL of Maryland) there were—ayes 13, noes 39.

So the amendment was rejected.

The Clerk read section 13 of the bill.

The following committee amendment was read:

Page 9, line 10, insert a new section as follows:

"SEC. 14. The provisions of this act shall take effect as of July 1, 1925."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 9, line 12, change section 14 to section 15.

The committee amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12002) to establish a board of public welfare in the District of Columbia, to determine its functions, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent the following leave of absence was granted:

To Mr. WILSON of Indiana, for two days, on account of sickness.

To Mr. LANKFORD, for five days, on account of sickness in his family.

THE ESTABLISHMENT OF THE POST OFFICE SYSTEM UNDER THE CONSTITUTION

Mr. LEHLBACH. Mr. Speaker, the other day when the resolution for returning to the Senate the postal increase bill was under discussion in the course of some remarks on the bill originally pending, I stated that the post office under the Constitution was first passed in the Senate. The accuracy of that having been challenged, I desire to extend my remarks by printing the proceedings of the first session of Congress, in so far as they relate to that, and the proceedings of the second Congress.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, on January 31, during the discussion of the resolution to return to the Senate the postal rate increase and salary bill, I expressed the opinion that the origin of this bill in the Senate was not in violation of Article I, section 7, of the Constitution, which provides that all bills for raising revenue shall originate in the House of Representatives.

In support of this view, I stated as a fact that the bill first establishing a postal system under the Government created by the Constitution originated in the Senate and was agreed to by the House of Representatives. My argument was that if a bill creating a postal service and prescribing charges therefor could lawfully originate in the Senate, then a bill altering the charges for postal service could also lawfully originate in the Senate.

I have been asked to substantiate my assertions that the bill creating the Postal Service under the Constitution originated in the Senate.

Accordingly, I quote from the Annals of Congress, First Congress, first session:

SENATE PROCEEDINGS

THURSDAY, SEPTEMBER 10, 1789.

A message from the House of Representatives brought up a resolve of the House of Representatives that until further provision be made by law the General Post Office of the United States shall be conducted according to the rules and regulations prescribed by the ordinances and resolutions of the late Congress, and that contracts be made for the conveyance of the mail in conformity thereto.

This resolve was committed to Messrs. Butler, Morris, and Ellsworth, with an instruction to report a bill upon the subject.

FRIDAY, SEPTEMBER 11, 1789.

Mr. Butler, in behalf of the committee appointed on the 10th of September on the resolve of the House of Representatives, providing for the regulation of the post office, reported not to concur in the resolve, and a bill upon the subject matter thereof;

And, on the question of concurrence in the resolve of the House of Representatives, it passed in the negative.

MONDAY, SEPTEMBER 14, 1789.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill for the temporary establishment of the post office; and—

Ordered, That this bill have a third reading to-morrow.

TUESDAY, SEPTEMBER 15, 1789.

The Senate proceeded to the third reading of the bill for the temporary establishment of the post office.

Resolved, That the engrossed bill for the temporary establishment of the post office do pass.

HOUSE PROCEEDINGS

TUESDAY, SEPTEMBER 15, 1789.

A message from the Senate informed the House that they have passed a bill for the temporary establishment of the post office, to which they request the concurrence of the House.

WEDNESDAY, SEPTEMBER 15, 1789.

The bill for the temporary establishment of the post office was read for the first time.

THURSDAY, SEPTEMBER 17, 1789.

The bill sent from the Senate for the temporary establishment of the post office was read the second and third time and passed.

The following is the act originated and passed in the manner set forth in the above excerpts:

ANNALS OF CONGRESS

(Appendix, Vol. II, p. 2179)

An act for the temporary establishment of the post office

Be it enacted, That there shall be appointed a Postmaster General; his powers and salary and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the post office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster General to be subjected to the direction of the President of the United States in performing the duties of his office and in forming contracts for the transportation of the mail.

SEC. 2. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress and no longer.

Approved, September 22, 1789.

The resolutions and ordinances of the Congress under the Confederation, upon the organization of the new Government became inoperative. During the First Congress either new laws were enacted or else, where necessary, the resolutions and ordinances were revived and provisionally enacted into law until original legislation covering such subjects could be framed and passed by Congress.

The ordinance of the late Congress, revived and temporarily enacted as above stated, was a law providing for a postal establishment, authorizing the entering into contracts for the carrying of the mails and fixing charges for the service. Hence this law which originated in the Senate enacting the provisions of the ordinance by reference thereto as much fixed postal rates as if the terms carried in the former ordinance had been restated and reenacted in express words.

The Postmaster General under date of January 20, 1790, submitted a report which was transmitted to the First Congress at its second session, discussing at some length the inadequacy of the revenues raised under the provisions of the act of September 22, 1789. Accordingly, a bill for the regulation of the post office, revising the system established under the act of September 22, 1789, was introduced. This bill eventually went to conference. The conferees reported an incomplete agreement. In consequence the bill was lost.

Thereupon a bill to continue in force for a limited time the law for the temporary establishment of the post office was passed.

The Constitutional Convention was comprised of 42 members, of which 39 signed the completed instrument and 3 refused. Of these 42 members, 17 were Members of the First Congress in which the bill for the temporary establishment of the post office originated in the Senate, was passed and became a law upon receiving the signature of George Washington, President of the United States and president of the Constitutional Convention.

The following members of the Constitutional Convention were Members of the First Congress under the Constitution:

Senators: William S. Johnson, of Connecticut; Richard Bassett and George Read, of Delaware; William Few, of Georgia; John Langdon, of New Hampshire; William Patterson, of New Jersey; Rufus King, of New York; Robert Morris, of Pennsylvania; and Pierce Butler, of South Carolina. Representatives: Roger Sherman, of Connecticut; Abraham Baldwin, of Georgia; Daniel Carroll, of Maryland; Elbridge Gerry, of Massachusetts; Nicholas Gilman, of New Hampshire; George Clymer and Thomas Fitzsimmons, of Pennsylvania; and James Madison, of Virginia.

POSTAL SALARY BILL

Mr. GARDNER of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the postal salary bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GARDNER of Indiana. Mr. Speaker, at last session of Congress, when a bill was before Congress to reclassify the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation, I was for that bill. I appeared before the Joint Committee on Post Offices and Post Roads and expressed myself in favor of a bill to increase the salaries of postmasters and postal employees, and asked that such a bill be reported to the House for passage. When the bill came up I voted for its passage. That bill passed both branches of Congress but was vetoed by the President. I would have voted to have passed that bill over the President's veto if I had had an opportunity to do so. That bill was in no way a revenue bill. I have expressed myself many times to the people of my district as favoring an increase in the pay of the postmasters and postal employees. I am still in favor of such increase. On February 3 of this year Senate bill No. 3674 was before the House and the following resolution was introduced by Mr. GREEN, of Iowa:

Resolved, That the bill S. 3674, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution, and is an infringement of the privileges of this House, and that the said bill be taken from the Speaker's table and be respectfully returned to the Senate with a message communicating this resolution.

This resolution was for the purpose of sending this bill back to the Senate, thus killing the bill. I voted against this resolution because this Senate bill could have been amended, and the revenue feature could have been changed or even stricken out, and I felt that if this Senate bill was killed by the House, by returning the same to the Senate, then the Members of the House would be forced to vote on a House bill as we are now being forced to vote on this revised Kelly bill, H. R. 11444, under a special rule which gives us no opportunity to amend the bill and gives only 20 minutes debate on each side to discuss the bill—in my judgment a very unfair way to pass such important legislation. This bill proposes to raise the revenue, in a large part, by increasing the postal rates that must be paid by the farmer, the wage earner, and the consumer. And while I am still as strongly in favor of an increase in the pay of these employees as I ever was, yet since this increase must be paid, in a large part, by a class of people who are now overburdened by taxation and many of them in worse condition than those whom we seek to assist, I do not consider that I am bound by any previous vote or statement, as it is not the same legislation that we had before us heretofore, and I can not be in favor of such increases paid in that way. Many of the persons who would be required to help pay this increased taxation are now making less than the employee who is to receive the increase. For example: The rural mail carrier who delivers the mail to the farmer receives in round numbers \$1,800 per year. A large majority of the farmers to whom he is delivering the mail are making much less than he is. Many of them are unable to pay their taxes and interest on their mortgages. And a majority of the farmers to whom the rural mail carrier delivers the mail would gladly exchange places with the rural mail carrier who is delivering the mail to the farmer. I have always thought of the mail service as being a service to the people rather than a means of raising revenue. And I now think that the raising of revenue and the delivery of mail should be considered as two distinct forms of legislation rather than making the mail service self-supporting. I think the charge for the delivery of mail should be a reasonable charge for service rather than to be considered as a means of raising revenue. And, as I see it, this bill is simply another way of raising revenue by placing a burden of taxation on those persons who are least able to bear such burden. And again, if the Postal Department is to be

made self-supporting, then I see no reason why one class of mail should be carried at such a great loss to the Government and persons who are using another class of mail should be discriminated against and made to pay to make up that loss. The following table of figures, which shows the loss or gain in transporting the mails, is given us by the Post Office Department:

| Class of mail matter and special service | Loss | Gain |
|--|--------------|--------------|
| First class..... | | \$80,417,716 |
| Second class..... | \$74,712,868 | |
| Third class..... | 16,291,575 | |
| Fourth class..... | 6,916,753 | |
| Money order..... | 9,540,511 | |
| Registry..... | 10,374,013 | |
| Postal savings..... | | 4,701,411 |
| Special delivery..... | 121,997 | |
| Insurance..... | 1,145,959 | |
| Cash on delivery..... | 1,825,437 | |

The proposed bill provides for increases in rates as follows:

| Classes of mail | Increases |
|--|--------------|
| First class..... | \$10,000,000 |
| Second class: | |
| Publishers..... | 2,998,252 |
| Transient..... | 1,000,000 |
| Third class..... | 18,000,000 |
| Fourth class..... | 13,600,000 |
| Twenty-five-cent special service (parcel post)..... | 3,000,000 |
| Insured service (third class and fourth class)..... | 3,058,147 |
| C. O. D. service (third class and fourth class)..... | 1,103,879 |
| Money orders..... | 3,582,490 |
| Registry service..... | 3,980,000 |
| Special-delivery service..... | 900,000 |
| Total..... | 61,222,768 |

These figures, given us by the Post Office Department, show that the second-class mail is being carried at a loss of \$74,712,868, and this bill provides to increase the revenue on that class of mail less than \$4,000,000. While in the fourth-class mail—parcel post—the report from the department shows that on this class of mail there is a deficit of only \$6,916,753, yet the proposed bill would increase this class \$13,600,000 plus \$3,000,000 additional to be derived from the sale of "special service" stamps where speedy service is desired, making a total of \$16,600,000. This amount of money would be paid largely by the farming and laboring classes of people. This bill provides to increase the revenue on insured service \$3,058,147; on the C. O. D. service, \$1,103,879; on money orders, \$3,582,490; on registry service, \$3,980,000. Much of all of these increases must be paid by the farmer, the laborer, and the smaller taxpayer. While I favor an increase in the salaries of the postal employees, yet I am absolutely opposed to increases in any salaries where the burden, or at least a major part of it, is to be placed on the classes of people who are unable to stand an increase in their already overburdened taxation. And I see no reason why this undue share of the increase of the postal salaries should be put on this class of the service, when there is another class which causes an annual loss to the Government of over \$74,000,000 and this last class being increased less than \$4,000,000.

If those who furnish this class of mail are entitled to this bonus by reason of educational value or otherwise, then I am in favor of it being paid in some manner other than taxing those who are taxed by this proposed bill to make up this deficit. I believe that on to-morrow this bill is going to pass the House in its present form, because the administration favors it. Yet because this legislation is so changed from the way it started by adding the revenue feature and because of the manner in which these increases are to be paid I am going to let the party in power—the party that is pledged to economy and is pledged to the relief of the farmer—assume the responsibility for the enactment of this law in this manner. And while, as I said before, I have been for legislation to increase the pay of the postmasters and postal employees and am still favoring such legislation, yet for the reason that under this rule we must vote for this legislation, with no opportunity to amend the same or to discuss the same—only 20 minutes on each side—I am going to vote against this rule because I think I am voting in the interest of the majority of the people I represent, and voting in the interest of those who most need consideration in the way of protecting them against increased taxation. I would like to see this rule defeated and the bill come up in the regular way, with an opportunity to offer amendments and discuss the same. But if this bill must and does pass the House just as reported from the committee, then I hope the Senate will so amend the bill as to eliminate these objectionable features.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 10, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

857. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal year ending June 30, 1925, amounting to \$110,896, and for the fiscal year ending June 30, 1926, amounting to \$62,000; also, a draft of proposed legislation making the appropriation for the Mixed Claims Commission, United States and Germany, available for the Mixed Claims Commission, United States, Austria, and Hungary, during the fiscal year 1926 (H. Doc. No. 609); to the Committee on Appropriations and ordered to be printed.

858. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1924 and prior years, and supplemental estimates of appropriations for the fiscal years ending June 30, 1925, and June 30, 1926; also, certain audited claims and final judgments, amounting in all to \$835,906.40, together with four items of proposed legislation affecting existing appropriations (H. Doc. No. 610); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12087. A bill to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes; without amendment (Rept. No. 1418). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. R. 12165. A bill authorizing the erection of a monument in France to commemorate the valiant services of colored American infantry regiments attached to the French Army; without amendment (Rept. No. 1419). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 11924. A bill to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud; with amendments (Rept. No. 1420). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PATTERSON: Committee on Naval Affairs. H. R. 19631. A bill for the relief of Harold G. Billings; with an amendment (Rept. No. 1421). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 12221) to amend the second paragraph of section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SHERWOOD: A bill (H. R. 12222) authorizing the sale of the old Federal building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 12223) to create the Federal city planning commission; to the Committee on the District of Columbia.

By Mr. KELLY: A bill (H. R. 12224) to authorize the erection of a Veterans' Bureau hospital in Philadelphia, Pa., and the construction of additional facilities at Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. LINEBERGER: A bill (H. R. 12225) to provide for the diversion of water for municipal and domestic usage and for other purposes incident thereto from the Colorado River, State of California; to the Committee on Rivers and Harbors.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, protesting against the tapping of the Great Lakes into the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, favoring the enactment of legislation that will give the same protection to agriculture as is now afforded to industry and labor; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Minnesota, protesting against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the State of Idaho, asking for the speedy enactment of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Idaho, asking that a duty of 3 cents per pound be placed on peas, instead of the present duty; to the Committee on Ways and Means.

By Mr. BECK: Memorial of the Legislature of the State of Wisconsin, protesting against the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By Mr. CLAGUE: Memorial of the Legislature of the State of Minnesota, protesting to the Congress and the Secretary of War of the United States against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Minnesota, petitioning the Congress of the United States to allocate to the State of Minnesota a 500-bed tubercular hospital for the care of tubercular persons who served in the World War; to the Committee on World War Veterans Legislation.

Also, memorial of the Legislature of the State of Minnesota, petitioning Congress relative to an increase of duties upon dairy products and other agricultural products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12226) granting an increase of pension to Sarah Hiddeson; to the Committee on Invalid Pensions.

By Mr. PARKS of Arkansas: A bill (H. R. 12227) granting a pension to John Jackson; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12228) granting an increase of pension to Barbara Smith; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12229) granting an increase of pension to Mary A. Buttermore; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3695. By the SPEAKER (by request): Petition of H. C. Horton, president of New York State League of Savings and Loan Associations, favoring an amendment to the McFadden banking bill now pending in the Senate; to the Committee on Banking and Currency.

3696. Also (by request), petition of John H. Lisle, New York City, indorsing the passage of the game refuge bill; to the Committee on Agriculture.

3697. By Mr. FUNK: Petition of 607 citizens of McLean County, Ill., urging support of House bill 5934; to the Committee on Pensions.

3698. By Mr. GALLIVAN: Petition of the American Legion, national legislative committee, Washington, D. C., protesting against House bill 9629, known as the "reorganization bill"; to the Committee on the Civil Service.

3699. By Mr. HICKEY: Petition of Mrs. J. C. Peter, sr., rural route No. 8, box 1, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3700. Also, petition of Mr. P. A. Cowville, 109½ North Hill Street, South Bend, Ind., and others protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3701. Also, petition from Mr. H. P. Waldo, 116 West Wayne Street, South Bend, Ind., signed by many citizens of South Bend, Ind., protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3702. Also, petition protesting against the Jones Sunday observance bill from Mr. A. B. Dilworth and signed by more than

100 other citizens of South Bend, Ind.; to the Committee on the District of Columbia.

3703. Also, petition signed by Mr. Victor Gilson, 127 Chapman Street, Elkhart, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3704. Also, petition signed by Mrs. Ida Hart, 108½ West Lexington Avenue, Elkhart, Ind., and others protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3705. By Mr. O'CONNELL of New York: Petition of the C. P. Putnam's Sons, of New York, opposing the proposal to increase third-class rates from 1 cent for 2 ounces to 1½ cents for 2 ounces in the Kelly-Moore bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3706. Also, petition of the C. Kenyon Co. (Inc.), of Brooklyn, N. Y., opposing the 50 per cent increase in third-class letter postage in the Kelly bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3707. Also, petition of the New York State Fish, Game, and Forest League, favoring the passage of H. R. 745, the migratory bird refuge act; to the Committee on Agriculture.

3708. By Mr. PEAVEY: Petition of Mr. A. W. Nelson and others, of Clear Lake, Wis., protesting against passage of the proposed compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

3709. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3710. By Mr. WILLIAMS of Michigan: Petition of Orme S. Thompson and 180 other residents of Branch and Hillsdale Counties, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3711. Also, petition of G. D. Cummings and 12 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3712. Also, petition of Mary J. Olmstead and 18 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

TUESDAY, February 10, 1925

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House has passed the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3722) to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (S. 555) for the relief of Blattmann & Co., and it was thereupon signed by the President pro tempore.

LEASES GRANTED BY THE SECRETARY OF WAR

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a list of leases granted during the calendar year 1924, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Agriculture and Forestry:

A concurrent resolution

Whereas Congress has through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples, and had so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets; and

Whereas Congress has through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples, and has so saved the American job for the American laborer and made possible the maintenance of the American standard of wages; and

Whereas the said special classes of legislation have afforded such ample and effective protection to the American laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people any time anywhere on earth have ever enjoyed";

Whereas the protection so afforded to American labor and American manufacturer, supporting for them an American standard of prices for their products, has forced upon the American farmer an American standard of prices for the things he must buy, the taxes he must pay, and the labor he must hire;

Whereas protective tariffs for agricultural products are almost wholly ineffective where the product is produced in excess of demand for home consumption;

Whereas American agriculture does produce an exportable surplus of all of the major products of agriculture, and the American farmer therefore finds himself almost wholly unprotected from that disastrous competition of foreign peoples;

Whereas the American farmer is therefore forced to sell his product on the low standard of world prices in open competition with the South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market at an American standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls;

Whereas this unbalanced condition is chiefly responsible for the distressed condition of agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime;

Whereas the present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed;

Whereas the direct cause of this unbalanced condition was and is the effect of the two protective measures above referred to, in that they have protected and made possible the maintenance of the high American standard of prices, of the products of American labor and of the American manufacturer, which constitute the necessities the farmer must buy, while he is afforded no effective protection from foreign competition, and therefore must accept the low world standard of prices for the things he has to sell;

Whereas this condition is unwarranted, unfair, and un-American, wherein two of the basic branches of American industry have and maintain through the direct effect of legislation an advantage over the third;

Whereas we believe the protective policy is sound in principle and if fairly administered destined to greatly increase the public welfare;

Whereas the farmer is forced, for the preservation of his home and his inalienable right to justice as an American citizen, to demand the abandonment of the policy or its adaptation to existing conditions: Be it

Resolved by the house of representatives (the senate concurring), That we respectfully urge that Congress during its present session pass and place upon our statute books such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor; and

Whereas the protective tariff does not protect agricultural products because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus or some means whereby the agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on and that the American market be saved for the product of the American farmer and an American standard of agricultural commodity prices made possible.

That the secretary of state transmit this memorial to the President of the United States, to both Houses of Congress, and to the South Dakota Senators and Representatives therein, and to the legislatures